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THE AMERICAN MERCURY

A MONTHLY REVIEW

EDITED BY H · L · MENCKEN
& GEORGE JEAN NATHAN



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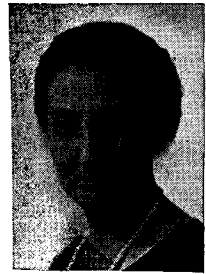
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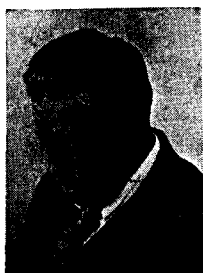


AMY LOVEMAN

THE AMERICAN MERCURY



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The Bowling Green

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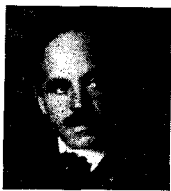
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The American MERCURY

August 1924

MR. COOLIDGE

BY FRANK R. KENT

ONE of the most remarkable phenomena of political life in this country is the curious conspiracy among newspaper reporters to keep from the people the facts about public men. It is a witless policy, but newspaper men all over America consistently and unconsciously follow it. There is nothing deliberate about it. Unplanned and unpremeditated, they have been at it for generations and not its least interesting feature is their utter inability to realize what they are doing, or why or how. But the failure of the journalist to grasp the facts is no more complete than that of the public. Between them, a sorry but thorough botch of this business of mirroring and measuring public men is made. To it is directly attributable the climb, or crawl, of thousands of absurd little fellows from small offices into large ones. To it is largely due the continuance in public life of the fakes, frauds and fools who wield power in our city, State and national governments. It clothes insignificance with the glamor of greatness, permits hypocrisy to hide behind a screen, transforms illiteracy into learning, makes the immoral appear moral, the ignorant informed, the weak strong, the unstable firm. It is a great game of pretense in which, with rare exceptions, the newspaper man, whether he covers local politics at the county seat or national politics

at Washington, earnestly, instinctively, systematically, but, in the main, without conscious intent, works to protect the public official, to build him up, to magnify his good qualities, to minimize his defects, to praise in him whatever lends itself to praise, and to supply something to praise when there is a complete void. This instinct to anoint and glorify, exalt and protect is found among the local reporters who write about sheriffs, county clerks and city councilmen, among the Washington correspondents who write about congressmen, Cabinets and Presidents, and among the magazine and periodical publicists who compose long and oleaginous character sketches of the occupants of all high public offices. But the higher you ascend in the scale the greater the grease and the more difficult it becomes to get a true picture of the man in the job. The climax, of course, is in the White House.

There are two clear reasons for this general reportorial tenderness toward public men. The first is a more or less psychological one—a tendency, springing from the inferiority complex of the reporter and born of his poor pay and precarious position, to permit the public official to assume the superior or dominant attitude and, himself, to settle into a secondary and subservient one. It is not a logical nor a just allocation of positions, but in ninety-nine

out of a hundred cases it is the actual relationship between the newspaper man and the politician. Probably the basic cause is the propensity of persons elected to office—particularly those of small bore—to assume as much authority, dignity and importance as they can get away with unchecked. The second reason is a simple and practical one. The reporter's business is to get news. The more news he gets the more secure his job and the greater his value to his paper. The public official has what the reporter has to have, to wit, news. Competition with other reporters and the fear of being beaten spur him to the closest possible relationship with every man who has it. I am talking now of reporters, not of editors or publishers, for it is the reporter who really counts. He is the sole point of contact, the exclusive pipe line through which facts about the men elected to office must trickle to the people who did the electing. Whether his paper is hostile or friendly, whether it is of the same political party and faction or not, has no real bearing on the situation. It does not in the least alter the attitude of the reporter that the paper he represents is against the man he has to see for news. He works in exactly the same way. As a matter of self interest his effort is to establish friendly personal relations with his news source. He thinks the way to do this is by protecting him, refraining from telling rude and illuminating truths about him, side-tracking little details that would be unpleasant or hurtful, slipping into the story, as often as the paper will permit, favorable facts or fancies.

Amazing as it seems, it is a fact that writing men of all grades, whether magazine contributors, correspondents or plain reporters, almost invariably feel a sense of obligation—almost of gratitude—toward the high public official who gives them an interview, material for an article or news for a dispatch. This feeling leads them inevitably to overpraise his character, overrate his intelligence and ignore his shortcomings. And they do it even when they

know that the interview, article or dispatch is tremendously helpful to the official, that he is eager for the opportunity and that he ought to be everlastingly appreciative. The reporter's gratefulness invariably results in the subject of his article or interview being treated better than he deserves, but curiously enough it does not beget a similar gratitude. On the contrary there is an absurd assumption of having conferred a favor. It is a curious reaction—an interesting relationship—this between the news writer and the public man. Volumes could be written about the variations of the situation, the mutual helpfulness of politician and reporter, the way each uses the other and the way the public is played between them.

II

Where the system reaches its apex of course is with the President of the United States. Of him, it is not only difficult, it is practically impossible for the people as a whole to get a clear view. He is so completely protected, so hedged about by taboos and restrictions, so watched and guarded that it is almost impossible to catch him in a natural or spontaneous moment. Add to this the mere prestige of the presidency, the glamor of the White House, the tremendous power of the place, and something of the thickness of the screen through which the people must peer at their President can be appreciated. Newspaper men—even the hardest boiled of them—are awed by the office, no matter who holds it, and are restrained in their dealings with its occupant by the real and fancied barriers that have been thrown about it. There have been Presidents big enough to burst through these barriers and show their real selves. And there have been Presidents who did not need and would not have such barriers about them. But not recently, and not now.

Almost from the beginning every President has been more or less protected by the Washington correspondents. The flat truth

has been sent out about none of them. The real man is never pictured. Always he is painted a little prettier than he is. Always the favorable aspect is stressed, the flaws and failings minimized or ignored, even by the men who represent papers that are politically hostile. Partly this is due to the influences and traditions I have just described, partly it is due to the inherent respect for the office that makes even the oldest and most cynical journalist step softly as he enters the presidential presence, and partly it is due to the feeling that something dreadful may happen to you if you write the undiluted truth about the White House occupant. For one thing, it would be regarded as unclubby by the other correspondents, as a serious breach of etiquette if not an actual breach of confidence, as cruel, unethical, bolshevistic. Beside, these fellows have become so accustomed to a certain sort of soft pedalling that the presentation of a White House situation exactly as it is would seem to them exaggerated, unjustified and untrue. Then, too, it is the natural desire of every Washington correspondent to have a good personal standing at the White House. He is flattered if the President knows him by name. He wants to be well regarded by the presidential secretary, the White House staff, the Secret Service men, the members of the Cabinet. Their ill will, he thinks, is a liability to be avoided.

Accordingly, his interests as well as his instinct, regardless of the politics of his paper, make him treat White House statements and stories in a way to impress the White House with his friendliness, fairness and good feeling. This has been the attitude of the correspondents toward most Presidents, but not in the memory of any one now living has there been a President who leaned so heavily on this newspaper tendency to praise and protect, who profited by it so much, who would shrivel so quickly if he lost it, as Calvin Coolidge. Also there have been few Presidents less gracious and more unappreciative of it.

Without it he would long ago have become a sort of sad political joke. Look at the facts for a moment. Here was the dullest and most ignored and obscure Vice-President in history, suddenly pitchforked into the presidency. As Governor of Massachusetts and as Vice-President he had been a laughing stock for those who watched him function—a thoroughly commonplace, colorless person with a neat little one cylinder intellect and a thoroughly precinct mind. A docile product of the Murray Crane machine, there was nothing unusual in the fact that he became Governor. That is the sort of thing that happens in many States. It is not necessarily a mark of ability, force or character in Massachusetts, any more than anywhere else. Those who know the facts—and there are a great many—know that, in the matter of the Boston police strike, he had to be forced to act and did not deserve the credit he got. He got it, solely and simply, because of this "praise and protect" reportorial conspiracy that I have been discussing.

The newspaper men gave it to him because that was the way the thing "framed up" and because it was the instinctive thing for reporters to protect public officials. It would have been hard to have told the exact truth about Mr. Coolidge in that strike business, and it would have taken a good deal of newspaper courage. It was not told, but there were few politicians and few newspaper reporters who did not know what it was—that Mr. Coolidge would have done nothing at all if he had not been pushed into it. In the three years he was Vice-President he made neither friends nor foes. Socially and politically, he was generally considered hopeless. He was as near nothing as any man we have ever had in that office, and it is no secret that had Mr. Harding lived the plan was not to renominate him. That single fact is the most revealing index of the intellectual inanimation and forcelessness of the man. It would have been a humiliating and unprecedented thing to have passed him over, but it was seriously contemplated—in fact,

definitely discussed on the Harding trip to Alaska last Summer.

This is the man who became President last August. He is exactly the same man today that he was before. He has gained neither in mental range nor in moral strength. He is the identical Coolidge whom his party leaders a year ago thought too weak and nondescript to run again for the vice-presidency. Now, he is their candidate for the presidency. It sounds like a joke, but it isn't. The answer is of course publicity—not merely the well-directed publicity of the Republican National Committee, which promptly jumped in to put over by every agency it could command, including the telephone controlled radio and the movies, the "wise, strong, silent man" legend, but the even more effective publicity of the Washington correspondents, the feature writers and the periodical publicists. In those first few months the country was drenched with Coolidge propaganda, every word of it friendly, favorable, helpful. No man ever had a better press. Democratic as well as Republican papers endowed him with virtues and qualities that as Vice-President everybody in Washington knew he lacked—and laughed about. By the time Congress met in December, the legend had been well established. But from that day the utter futility of Mr. Coolidge, his lack of decision and force, his inability to command or persuade, have been increasingly apparent. Up to the adjournment of Congress last June, there was not a single day when, if the full and exact truth had been told about him, he would not have been revealed as a rattled and ridiculous person who would have been less out of place as a county judge than he was as President of the United States. To every close observer it has been clear that instead of a wise, strong, silent man in the White House what we really have there is a very much dismayed and huddled little man who is as close to complete futility as any man in his position can ever get.

To every person near enough to see the

facts, this is plain, but not to the general public. The reason is the twice a week newspaper conference with the correspondents. So long as the President keeps those conferences up the public will not get his real measure. Only those close to him will have it. So long as they keep up he is reasonably safe—and he is cute enough to know it. Unquestionably there is about him a certain political foxiness which is partly instinct and partly the result of long training. All he has to do is to settle down behind the protective screen of the newspaper conference and let the correspondents exercise their natural instinct for praise and protection. That is what they have been doing twice a week for the last year—greatly to the gain of Mr. Coolidge. That is what nominated him—that is what gives him his strength with the people today—absolutely nothing else. If he had been meeting twice a week a brutally frank set of fellows with the one idea of showing the American people exactly what they had in the White House, he would now be on his way out instead of having a good chance of staying in for four more years. But he has not, luckily for him, met that sort. He has had to deal with a sympathetic set of fellows eager to be more than fair to him—and that is exactly what they have been—a great deal more than fair.

III

Here is what happens at these conferences. Forty or fifty newspaper men, eager for news, go to the White House. They write out numerous questions which are sent in to the President, and out of one or another of them they hope to get a first page story. At a signal they troop decorously into the executive office and group around the desk. There are in the crowd few men who have not just as good a mental engine as the man who rises and faces them—and quite a number who unquestionably have far better. Mr. Coolidge does not smile. He utters no greeting, does not even nod his head. There is a dour, discouraged look about

him. He seems not to be pleased. He puts on his horn-rimmed glasses, glances at the top question of the sheaf he holds in his hand, and passes it to the bottom. He silently reads a second question and passes that to the bottom, too. The reporters are respectfully expectant. Finally, he finds a question which he reads aloud and answers, then another and another. His voice corresponds to his appearance. What he says is mostly noncommittal, neutral, evasive. To many questions he replies that he has no exact information on the subject but expects to have it shortly, or that he is informed some department has the matter in hand and is handling it in a satisfactory manner. Even when his replies are definite, which is rare, they are flat and meatless. While Congress was in session he would say in reply to a question about a proposed bill that certain features of it did not seem to him desirable, and then to a second question, that whether or not he would sign it if passed was a matter he had not yet decided.

That seems pretty thin material for a story. It seems flat and colorless, but by the time the correspondents have injected their own vigor into those pale and anæmic utterances, it emerges very different. Next morning you find not only in Republican newspapers like the New York *Herald-Tribune*, but in Democratic papers like the New York *World* and the Baltimore *Sun*, that "the White House today took a firm stand against the coalition in the Senate which is trying," etc., that "those close to President Coolidge know he proposes to use every ounce of his influence to prevent the passage, etc.," that "the President is thoroughly aroused over the amendments to the bill and will vigorously oppose its passage," that "a White House spokesman today indicated the line had been sharply drawn between the President and Congress and that if the Senate adopts the publicity amendments it will only be after the stiffest sort of fight by the Administration." That was the sort of stuff that day after day went out from Washington and appeared

on the first pages of Democratic as well as Republican papers all over the country. The beneficent effect on Mr. Coolidge's political prospects was immense.

The weak and watery utterances of a passive and pallid little man, torn by indecision and doubt, become the forceful and vigorous talk of a red-blooded, resolute, two-fisted, fighting executive, thoroughly aroused and determined. But that is not all. The day following the appearance of the dispatches indicating that the fighting blood of the President is up, you find in the same newspapers editorials which tell you that "President Coolidge is standing like a stone wall against the vicious combination in the Senate which, etc.," and that "the people of the country are solidly back of the President in his splendid fight, etc.," and that "at no time has the President shown to better advantage than in his unyielding and determined attitude toward the efforts of the disloyal members of his own party who, etc."

When the President gave tongue to the words about regarding certain features of the proposed bill as undesirable and followed that by saying he did not know what he would do with the bill if it were passed, that was exactly as far as his thought and feeling went. He had no ideas beyond that point. He had not the remotest notion that he was "fighting" Congress. Nor was there anything in his tone, manner or appearance to indicate he meant to fight. In fact, at the moment, he probably looked less like a fighting man than anyone in America outside an Old Ladies' Home. But the friendly correspondents made him a fighting man because that was what he ought to have been under the circumstances. That was the natural attitude for a President to take and there was just enough material in what he said to enable them to see that, publicly, he did not fall short of it. There was, in brief, just enough excuse to write a "fighting" story—and the absence of direct quotation made it easy for him to retreat instead of fighting afterward.

IV

This is not an isolated example. It is typical. The same thing happens all the time. It is an illustration of the way the system works. Dozens of other instances, while Congress was in session and since, could be given. Regularly, the insignificant, insipid, almost meaningless remarks of Mr. Coolidge are vitalized by the correspondents so as to seem human, forceful and thoughtful. The inanity and inadequacy of the man are never revealed. There is no way, indeed, by which the people can get the correct proportions of a President. They may suspect, but they cannot know. As I have pointed out, this protection by the correspondents is natural and, to a very large extent, unconscious. Few of them have any conception of the degree to which it is carried. They do not, in the least, deliberately intend to mislead. It is a twist that springs from the necessities of the situation. If anything at all is to be got out of these presidential utterances it is necessary to inject enough strength into them to make them stand up. This can be done easily and freely because there is no direct quotation to cramp the style. Unless an unfavorable flavor is given to them there is no possibility of a complaint. The unfavorable flavor naturally is not given. The President's attitude is not misrepresented. He, at least, makes known the general direction in which he is headed. His views are

never incorrectly presented. All that happens to them is that they are made vital, vigorous and fair to look upon. Anyone in public life can appreciate what an enormous advantage this is to a man in politics.

Newspaper men who have regularly attended these Coolidge conferences from the start will tell you they are the most uninspiring, uninteresting, deadly dull affairs of the kind ever known in Washington, that it is extremely hard to get anything out of them worth writing, that you have to strain yourself to do it. In the year that they have been held, twice every week, no one who has been in attendance can recall a single word from Mr. Coolidge that sparkled or glowed or indicated any force, feeling, grasp or spirit. It has been literally amazing that a man could be so long, so consistently and so unqualifiedly dull. But that is not the picture the country gets. That cannot be written. It is not news. While Congress lasted and before he was nominated, Mr. Coolidge profited enormously by this system of correspondents' conferences and indirect quotation. Since his nomination the protection continues. It will not fail him through the campaign. It is his biggest asset—this tendency of the newspaper writer who comes into personal contact to portray the President as of heroic size. There have been some Presidents whom some newspaper men really thought heroic—but not this President.

THE GATES OF TAMERLANE

BY ACHMED ABDULLAH

THE drab barrack with the imperial eagle above the door that housed the *ugolovneic soodd*, Samarkand's Russian court of assizes and its employés, stood within the shadow of the ancient Moslem college of the Lady Khanym, favorite wife of Tamerlane, who had built it in the days of Tartar dominion six centuries ago. Here, in a small apartment, lived Serge Denikoff, the magistrate. Here every morning before going to court he bowed to the gaily colored lithograph of his patron saint, looking out of the corner of his eye to make sure that Pavel Dmitritch, his servant, was watching him; every evening, again glancing surreptitiously at the other, he clenched his fists angrily when he heard the muezzin of the Lady Khanym's college drone his chant of "*Hasbi rabi jal Ullab*—my defence is the Lord; magnify Allah!"

"They are heathen Asiatics," he would say, "enemies of the Dear Crucified One, enemies of the Tsar. They must be ruled with a strong hand, Pavel Dmitritch."

"Yes, Your Honor."

"Ali Tugluq, the blacksmith, complained to me today that Hassan Uzbek's dog had bitten him. Do you know what I did?"

"You fined Hassan Uzbek ten roubles?"

"I fined them both ten roubles. Justice must be impartial."

"Very true, Your Honor."

"Pay, or go to jail. That is life, Pavel Dmitritch. Spit—a rouble; fight—a rouble; get drunk—a rouble; die and get buried—a hundred roubles. Then nothing after the burial except the inheritance tax."

"*Jal Ullab!*" came the muezzin's drone,

filling the gigantic, peacock-green dome of the college with twisting echoes.

"*Jal Ullab!*" chimed in the worshipers, Central Asians of many races, Turkomans and Karakalpaks and Bokharans.

"Swine!" commented Serge Denikoff.

He knew the chant well; had joined in it often before he had become a Christian and a government employé, before he had taken his present name and had still been known by his patronymic of Jagatai Khan, clearly indicative of his Moslem faith and Tartar origin.

Every Sunday he attended High Mass. Then he returned to his rooms and changed into riding clothes. He put on his English cap of hairy, green tweed that clashed ludicrously with his high-cheeked Mongol features, went to Yar Khan's livery stable, mounted his pony, and rode out of Samarkand's western gate.

There was beyond the gate, beyond the puling bustle of the bazaars and the martial clank of the Tsar's garrison, the peace of the Central Asian steppes stretching yellow and brittle, with a far horizon of soft, blue curves. There were here an enduring, slightly ironic serenity of earth and sky and occasionally, in tight little villages folded compactly into narrow valleys where small rivers ran, the odor of hard, russet grain and great, ruddy melons and camel dung plowed under to mulch the ground. There were in these villages bits of life and color: a pig-tailed, red-faced Kirghiz, carrying a brace of curd bags on the ends of a long pole; a Buddhist priest with shaven poll and orange duffel robe, chanting his incantations at a wayside shrine motley with the sculptures of in-

tensely Chinese dragons; a Moslem Tartar looking on contemptuously, gleaming like a statue against the lacquered gold of the rye stubble; a swaggering Buriat Cossack, flat features shaded by enormous fur cap; a melancholy Russian Jew, with pendulous nose and well-oiled love locks, pack on back, counting his lean gains and dreaming nostalgically of Kieff's smoky *trakteers* where a man might drink his fill for twenty kopeks. There was, where the valley broadened, the primitive symphony of Central Asia: the protesting belch of ill-natured draught camels; the creak of the lumbering, two-wheeled carts; the swish of the thrashing-flails; a desertman's raucous shouts as he pastured his small, sorrel cattle through the laurel wold; the grating of water wheels; the "*Zud! Zud!*—hurry! hurry!" of a feudal Turkoman landlord among his peasantry.

Serge Denikoff knew every trail of steppes and valleys. Each Sunday he crossed them. Nor was it because of his Tartar inheritance longing for the scent of the open, the smell of the nomads' camp fires, and the acrid odor of the black felt tents; but because of something that tugged at his soul, something petty yet overwhelming that drove him on each Sunday past the little town of Yani Kurgan, toward the two huge slate rocks known to the natives as the Gates of Tamerlane.

Here he would dismount, eat his frugal lunch and, with always the same expression of contempt curling his lips, study the Persian inscriptions cut into the rocks.

The first in honor of Ulug Khan, Tamerlane's grandson, famed for his patronage of the arts, proclaimed:

With the help of Allah, the great Sultan, conqueror of kings and nations, Ulug Bek Gurugan—may Allah prolong his reign!—undertook a campaign in the land of the Moguls and returned victorious, in the year of the Hegira 828!

The second inscription related to Abdullah Khan, a century and a half later:

Let passers in the waste and travelers on the steppe know that in the year of the Hegira 979 there was a conflict between the army of the lieutenant of the Khalifate, the shadow of the Almighty, the Khakan

Abdullah Khan, and the army of Dervish Khan. The army of Abdullah Khan obtained a victory so great that during a month blood ran on the river as far as Jilzakh. Let this be known to all passers in the waste, all travelers on the steppe!

Serge Denikoff would read the words aloud, and shrug his shoulders.

"Fools!" would come his comment, in Persian, deliberately, so that the dead Khans might understand. "Fools—powerless—weak—because you are dead! I am alive—and strong!" He would draw himself up. He was wizened, small-boned, with flabby muscles. "Strong—I!"

Ludicrous the words seemed here in the swathing silence of the steppe, in the squat, sardonic shadows of the Gates of Tamerlane, with the dead Tartar Khans sending down their soundless laughter of stone.

"Strong because I am alive and—" switching into Russian—"because I am an employé of the Tsar—may God preserve him!"

Then he would spit and mock the rocks with thumb on nose.

II

Two years earlier, on a Saturday, he had received his appointment as magistrate, and to celebrate his new dignity had become very drunk. Sunday had found him with a splitting head, and he had gone for a ride to clear his brain. He had been sick and tired. But he had felt elated as, through the crimson velvet of the morning, the thought had come to him that now he was a somebody, a magistrate who could fine people and send them to jail. He had remembered his childhood: his father, a huge old Moslem peasant plowing his stony acres near Samarkand, and his two lusty brothers. One of them had donned the crimson tunic of the Turkoman Cossacks; the other had become a horse trader—a horse thief, bazaar gossip had it. He had been the youngest, weak, puny.

"*Azxaum*—flea!" his father had called him, in his coarse Tartarized Persian. "What was the matter with my loins when I conceived you?"

"*Abishtgab*—dung-hill!" had come his brothers' hooting laughter. "*Burda kbord andaum*—dwarf!"

On the advice of a passing Russian priest who with his shrewd, monachal eyes had seen fit makings in the boy for church and state, they had sent him to a free Orthodox school at Orenburg.

"Let the Christians have him!" his father had commented. "Good luck to their bargain!"

He had done well in school; had learned Russian rapidly; had received prizes for scholarship and good behavior.

Once during Summer vacation he had gone home.

"Back again, flea?" his father had greeted him. "By God—you look already like half a Russian with your green coat. And your flesh—" painfully squeezing his arms—"wah!—those Muscovies fed your head belike instead of your belly!"

Then again the hooting laughter of his brothers who had come home, one on furlough, the other from a profitable trip with stallions into Bokhara. They had gorged themselves with fat mutton, and over the gurgling water-pipes his father had spoken of the days of his youth before the Russians had pacified the land. His words had pictured the crackle of steel, the thud of the war dromedaries' padded feet, the beat of the kettle drums, the strangling of peaceful villages across the Persian border. His brothers had listened with guttural exclamations of approval.

"Once," the old Tartar had cried exultantly, "I rode home with the head of a Persian governor tied to my saddle. *Wah!*—how the women clapped their hands. . . ."

Then, glancing at his youngest son, he had seen him turn pale. He had struck him heavily across the face.

"A son of mine—and a coward!" he had exclaimed. "Back to your Russian sty, O shame to my manhood, and become you wholly a Russian!"

"I shall!" the boy had mumbled with sudden, bitter resolve.

He had returned to Orenburg, fear and

hate mingling in his darkling soul, had matriculated with honors, had been granted a scholarship, and had been sent to Kazan to study jurisprudence. There one day a high official had given him advice; and he had become a Christian and a government employé, had changed his name to Serge Denikoff, rising steadily until on that Saturday two years earlier he had received his patent as magistrate.

Galloping across the steppe, he had considered that he was now a power in the land, and his father was dead, his oldest brother was still a trooper, and his other brother had been killed during a raid into Afghanistan.

"God preserve the Tsar!" he had murmured as he had pulled up at the Gates of Tamerlane.

Then, reading casually the ancient inscriptions, the thought had come to him that here, with nothing left of past glory except the empty telling of their victories cut into the slate, were the spirits of the dead Tartar Khans who had once ruled from Peking to Moscow. Tamerlane, Ghingiz Khan, Abdullah Khan—a dozen others—where were they today? They had ridden over these plains with a loose rein and the point of the sword when it was red. They had builded here their palaces, their mosques, their colleges, their mausoleums. They had lorded it over half the world; had lorded it, too, over his own people—the lowly Tartar peasants who had tilled these bitter, dry steppes, pounding along doggedly against the pull of the plough with their heads downcast like their very camels and muzzled oxen. Now the Khans were dead; their empire was shivered; and he himself was a power in the land, a magistrate, who could fine people and send them to jail.

"Fools!" he had apostrophized the silent rocks. "Dead, useless fools!"

III

Such had been his thoughts and words on that Sunday two years earlier. He had

returned the next Sunday and the next, until finally it had become an obsession with him, an almost religious rite and pomp. For it was thus that he expressed himself to himself, measured himself against the world as he reckoned its worth.

He spat again, again mocked the Gates of Tamerlane with thumb on nose, rode back toward Samarkand.

"Yesterday," he thought, "I fined Ali Tugluq and Hassan Uzbek ten roubles each. Tomorrow I shall give orders to evict Yakoff Moisevitch Feinberg, the tailor, for non-payment of rent. Decidedly—I am a power in the land!"

He rode beneath a vaulted, steel-gray sky. Evening dropped. There was a smell of moist earth. On the outskirts of Samarkand he passed a caravan of Turkoman cameleers, perched like monkeys on the humps of their great, shuffle-footed beasts, holding insolently their paths through the narrow alleys. They were preceded by stalwart ruffians who cleared the way with long, knotted whips, shouting insulting words at everybody and belaboring with a democratic impartiality the backs and thighs of Christians and Moslems, Buddhists and Jews alike.

Serge Denikoff held to the middle of the road until one of the Turkomans flicked at him with his whip, causing the pony to plunge sideways. He turned pale with rage.

"How dare you. . . ?"

"*Pushturum*—pimple!" jeered the Turkoman.

Serge Denikoff looked about him. But no policeman was near. Nor could he arrest the man himself. These were lawless nomads, quick with the dagger. But he said to himself that sooner or later the man would return to Samarkand. He would remember his face. He would have the police search the caravanserais. He would send him to jail for a month. Why—he was a power in the land. Only three days earlier Prince de Wittgenstein, the governor-general, had addressed him as "Sergychik—little Serge"; and last Easter Baron de Todleben, the commander-in-chief, had kissed

him on both cheeks and had told him that men of his kidney were needed in Russia.

"*Aztookb*—wart!" the Turkoman shouted after him.

"You just wait," mumbled Serge Denikoff, "you cursed heathen Asiatic!"

He turned into the street of Kara-Tepé; a few minutes later his rage left him as he heard the rhythmic tramp of hobnailed boots, as shortly afterward he saw sweeping round the corner a company of infantry, flanked by mounted officers. The colonel rasped out a command and immediately the soldiers broke into full-throated song:

"Soldatushki! Bravo! Rebyatushki!"

Droojno vraga beitye!

Smelye droojno,

Vo shriyki, vo roojya,

Beitye, no robeitye!

Soldatushki! Bravo!"

They passed at a swinging gait into the darkness at the end of the street, the roar of their barbaric singing dying away, while Serge Denikoff looked after them, humming the refrain to himself:

"Soldatushki! Bravo! Rebyatushki!"

It was not that he liked the army. In fact, had he faced the truth, he would have admitted that he loathed the very sight of a uniform, that it caused in him the same sense of inferiority—inferiority which bred hate, and hate which bred the brutal will to succeed and, by the same token, to kill this consciousness of inferiority—which he had felt in the presence of his father and brothers, which he felt now every Sunday in the sardonic presence of the Gates of Tamerlane. This feeling was not fear; it was a negative, not a positive quality. On the other hand, the army was an expression of the Tsar's power, as was he himself. They were wheels of the same machine. They might hate each other, but they must help each other. Otherwise there would be revolution and chaos.

IV

Arrived home, Serge changed and went to the Grand Hôtel de Samarkand where he

dined every night; dined alone; tipped liberally. He did this because it was expected of a man in his position, but he felt it as a personal grievance. He considered the prices of the restaurant exorbitant. He decided that the next time Fyodor Guroff, the proprietor, broke one of the municipal regulations, he would fine him heavily. The same thing applied to Natasha, the waitress. Every evening he gave her half a rouble tip. It was outrageous. But one of these days she would run foul of the law. Only the other night he had seen her on a park bench, hugging her lover. He believed that there was a regulation against it. He would look up the law and instruct Moskvine, the policeman, to watch her. He believed in justice and the balancing of justice.

He knew most of the guests in the restaurant. There was the district prosecutor with his family, the provincial revizor with his fiancée, the chief of the bureau of hygiene, and a number of other officials. They exchanged courtly greetings with him. But he did not take part in their table to table catch-words and small, local jests. Nor did they seem to expect that he would. It was not because he was by birth a Tartar and a Moslem. Being Russians, they had few religious and no racial prejudices. Besides, the revizor was a Moslem from the Caucasus. Perhaps, he thought, they realized that he was a rising man. Thus it seemed natural that they should dislike him. He did not blame them. Always in his gradual rise in office had he hated those directly superior to him and those directly inferior; the former because he wished to oust them from their positions, the latter because he knew that they wished to oust him from his.

He had no friends. This lack did not make him exactly unhappy, though it embarrassed him slightly. He was content only during his office hours looking up the law code, sending voluminous reports to the Ministry of Justice, and chiefly during the court sessions when he dispensed justice as he saw it. His had been a grinding

road to success. But today he was a magistrate, a somebody. He had two decorations, a decent income, and the other day the governor-general had addressed him as "Sergyetchik—little Serge." That had been a glorious moment. Yet more glorious in a way had been the occasion a fortnight earlier when he had fined Fatma Heireddin, the wife of Tcherkess Heireddin, fifteen roubles for emptying a pail of slops from the window. Once Fatma had been his oldest brother's sweetheart. She, too, had called him "*Azgaum*—flea!" Well—she had found out that a flea could jump straight into a magistrate's seat—and that a flea, furthermore, could bite.

Tomorrow would bring another fine moment when he would cause the eviction of Feinberg, the tailor. Perhaps he would supervise the eviction personally. He liked doing this. He felt almost like a Tsar then, a master over life and death. He—the flea, the wart, the dung-hill—what a high estate he had risen to!

"Your Honor!"

"Little Serge!"

And whenever he wanted to he could put his feet on the desk and smoke, and if he was thirsty he could summon his servant who would come at a run.

"A glass of tea, Your Honor? At once."

Only the evenings were lonely, chiefly the hours which he spent in the restaurant with people all about. Always at midnight he left. Occasionally he stopped in dark alleys and talked to frowzy, prowling girls with arrogant eyes and pathetic mouths. Once in a while he walked home with one of them. He knew no other women.

"A most loyal official," the governor-general called him in his yearly report.

And Serge Denikoff was loyal.

But there were his thoughts.

He himself was never sure if he loved the Tsar, the government, or if he hated them. Power had always fascinated him. But he had never surrendered to fascination. To do so—perhaps it was the Mongol blood in him—would have caused him to lose face. Thus, logically, he felt at times a ter-

rible longing to smash the idols on the altar of power; nor was it because he was opposed to the government's autocratic injustice, but because, through its very fascination over him, it made him feel inferior to his own imagining of himself.

Often, in his thoughts, he avenged himself on those mightier than he. Had anybody made a slurring allusion to the Tsar he would have punished him. But deep in his soul there were moments when he mouthed foul threats against the Tsar, the governor-general, all official Russia.

V

The coming of war did not affect Serge at first except as it increased his power. Some of the other officials went to the front. That gave him more work. Besides, there were people to be suspected and prosecuted.

His oldest brother died during a Cossack raid into East Prussia. He heard it casually; forgot it casually.

Then after the first six months of war came a distinct change in his relations to the world. For when some of the local soldiers came home on a furlough with medals rattling on their tunics, and the people ran from their houses and pressed cigarettes on them and kissed them, it made him angry. It did not make him envious. But these soldiers broke many of the local regulations. They got drunk and made love in public places. But he could not punish them. They were heroes, and heroes seemed above the civil and criminal code. He consoled himself with the thought that war would end some day; then the heroes would no longer be heroes while he would still be a magistrate.

Catastrophe came with utter suddenness. The army was beaten. The Tsar was deposed. The revolution was no longer a pale, frightened dream, but a fact. It rolled on, North, East, South, West. It rushed across Russia, across towns and villages, fields and steppes, like a sheet of smoldering flame, yellow, inexorable. It thundered with the

hate and hope of all that motley Slav-Tartar world. The Jaganath was in motion. Crunchingly, pitilessly, its wheels moved.

The cry was everywhere:

"*Da zdrazstvuyet revolutziya*—long live the revolution!"

And, more ominous, more bitter, more direct:

"*Smyert boyarum*—death to the ruling classes!"

And looking from his office upon the street where a large procession swept down beneath red banners, the shattering realization came to Serge Denikoff that he, too, belonged to the ruling classes. He listened, hiding behind the window curtains. From the street a great, zumming chorus rose—the dread hymn of the revolutionaries:

"*Slazamy zalit meer bezbrejny
Vsya nasja jizn—tyajoly trood!
No dyen nastanyett neysbejny
Nyomoleemo grozny sood!*"

The song broke off in mid-air. There was a terrible void of silence, as of a thousand unspoken questions; and, as if in answer, a single voice peaked up hysterically:

"*Smyert boyarum*—death to the ruling classes!"

Serge Denikoff shivered. He was afraid to die. But what he feared more was the knowledge that today, even in his few remaining minutes of life, he was a nobody, that the revolution had stripped him of everything which he had slaved for and respected in himself: power, position. Death was unavoidable. But he was no longer a magistrate since there was no longer a Tsar. He was a nobody. And so that nobody sank in a heap on the floor, and cried.

It took him several minutes to realize that the yelling was dying away. He walked to the window and looked. The procession was sweeping around the corner. There were a few staccato shouts; then silence.

He rummaged about his rooms—his servant had left early that morning and had not returned—and found enough food for a few days. He barricaded the door

with heavy furniture, ate, and went to bed. He had no thought of trying to escape. He knew that it would be impossible. His gestures—eating, sleeping—were purely mechanical.

The next day was Sunday. The town seemed strangely quiet. Only once or twice, peering from the window, he saw tight little groups talking excitedly, with wooden gestures like marionettes. They seemed unreal. The whole revolution seemed unreal. He was no longer afraid. There was in him, in spite of his conversion to Christianity, an atavistic Moslem fatalism. He must die. There was no getting away from it. What really enraged him now was the thought that today, Sunday, for the first time in years, he would be unable to ride to the Gates of Tamerlane and mock the dead Tartar Khans. Then he laughed with blighting self-irony as he considered that there was nothing to choose between them and him. He, too, was stripped of power and glory. He, too, would have to die presently. They would come and hang him.

But Monday passed, Tuesday, and nobody came. Once he heard a commotion downstairs. At last! he thought with a curious feeling of exultation. Then, looking warily through the window curtains, he saw that it was only some Tartar workmen tearing down the imperial eagles above the door and replacing them with a crude, home-made revolutionary device. Trade seemed to be going on as always. The shops across the street were open. Very occasionally he heard isolated yells:

"Da zdraftvooyet revolutzia!"

"Smyert boyarum!"

Came Wednesday. He had still enough food to last him until the end of the week. But quite suddenly he decided to leave his rooms. For a strange reason. It seemed to him that the town, the whole world had forgotten his existence, had forgotten to hate him, forgotten to kill him. The thought was unbearable. It made him feel more keenly than ever his haunting subconsciousness of inferiority. Formerly he

had demanded the respect entailed by his position. Now he demanded the share of persecution which was his due. So he went into the street.

The first man whom he met was Yar Khan, the livery stable keeper, wide-shouldered, moon-faced, a rifle across his back. Serge Denikoff fingered for his revolver. But before he could make up his mind to use it, Yar Khan rushed up to him and kissed him.

"Have you heard the news?" cried the Tartar.

"What news?"

"The comrades elected me temporary president of Samarkand's Tartar republic. God is great! I've been hunting for you everywhere . . ."

"Oh—?" Again Serge Denikoff fingered for his revolver.

"Yes."

"You could have found me easily. I was in my rooms."

"The last place we thought of!" laughed Yar Khan; and, in answer to a passing Kirghiz peasant's similar shout: "*Da zdraftvooyet revolutzia!*"

He turned to Serge Denikoff, smiling rather apologetically.

"I beg your pardon," he went on.

"What for?"

"I cheered for the revolution. I forgot that you are a magistrate. . . ."

"I was one . . ."

"But you are still a Russian and a Tsarist. That's what I told the comrades when they suggested that I look for you and ask you to continue as magistrate—of the republic of course . . ."

"I—" stammered Serge Denikoff, taken aback—"a magistrate . . .?"

"You have always been a good judge. Harsh? Yes. . . ."

"It was my duty!" interrupted Serge Denikoff stonily.

"That's just it," admitted the other. "And the comrades decided that we need men like you, strict judges, fearless if the people love or hate them. Still—" he smiled disarmingly—"I should not have

suggested it to you. You are a Christian—a Tsarist—a Russian . . .”

“Wrong!” calmly cut in Serge Denikoff. “I am a Tartar, a Moslem, and my name is Jagatai Khan—as was my father’s name before me!” And, very loudly: “*Da zdrastvooyet revolutzia!*”

“Then you are one of us?” came the naïve question.

“Decidedly!”

“*Da zdrastvooyet revolutzia!*” exclaimed Yar Khan enthusiastically.

VI

So Serge Denikoff remained a power in the land. He had no trouble in reconciling himself to this apostasy. For again it made no difference if he liked or disliked the machine. He only liked what the machine meant in power since, as during the days of the Tsar, he was of this power an echo and a gesture. Yet there was a subtle difference. For there was the new slogan of liberty, and the Tartars, a good-natured, rather bovine race, tried naïvely to live up to it. So when gradually some of the Tsarist officers and officials who had settled in Samarkand, amongst them Prince de Wittgenstein, the governor-general, drifted back, the Tartars let them be. Nor did they interfere when, in spite of the newly-passed law, the men of the old régime walked about in their uniforms, with their imperial decorations and insignia of rank.

Several times Serge Denikoff—known once more as Jagatai Khan—protested to Yar Khan. But the latter shrugged his shoulders.

“What difference?” he asked. “It makes these Russians happy—and it does not hurt us.”

“But—the law. . . .”

“There are always the laws. But there is also kindness. We made the revolution less because of the former laws

than because of the unkindliness,” came Yar Khan’s simple reply. “You are a valuable judge, but you must not be too strict.”

But it rankled in Serge Denikoff’s soul. Again it made him feel his haunting sub-consciousness of inferiority. These men of the old régime were poor. Some of them cleaned shoes for a living, others sold newspapers or ran errands for Tartar or Jewish shopkeepers. But their poverty only accentuated their arrogance. So he began to hate them. He felt like slapping their faces and tearing off their decorations. But he never dared. They looked so big and calm. And so one Sunday, the first since the revolution, he rode across the steppes to the Gates of Tamerlane to avenge himself, to mock at the dead Tartar Khans.

As he pulled up in front of the rocks he saw there a tall man, deep in thought, looking up at the ancient inscriptions. The man turned. It was the former governor-general, Prince de Wittgenstein, in a threadbare uniform, the cross of Saint Vladimir pinned over his heart. He smiled when he saw Serge Denikoff.

“I have been communing with the dead Khans,” he said. “I have been thinking of their past glory—and ours—eh, Sergye-tchik?”

Then the latter made up his mind. He spurred his horse close to Prince de Wittgenstein.

“Aristocrat!” he said. “I am not Sergye-tchik. I am Jagatai Khan, a magistrate of the Tartar republic. And—aristocrat!—it is against the law to wear the decorations conferred by the cursed Romanoffs!”

And suddenly he bent from his horse, ripped the glittering decoration off the other’s uniform, and rode away at a gallop toward Samarkand, crying hysterically, at the top of his lungs:

“*Smyert Boyarum*—death to the ruling classes!”

GODEY'S LADY'S BOOK

BY RICHARD FAY WARNER

LOUIS ANTOINE GODEY was born in New York City on June 6, 1804, and died in Philadelphia on November 29, 1878. He left a fortune of more than \$1,000,000, no mean one for those innocent days, and every cent of it came from the revenues of his refined and moral publications: *The Daily Chronicle*, *Jarvis's Musical Library*, and *Godey's Lady's Book*. The last, his pride and Bible, as it was for years of every right-thinking American woman, he published in Philadelphia from 1830 to 1877, when it was sold to a stock company. In all those years, in the words of Mr. Godey himself, it never printed an immoral thought or a profane word. It was, indeed, "the guiding star of female education, the beacon light of refined taste, pure morals and practical wisdom," and a whole generation of American women took color from it. Is there an American attic which, at one time or another, has not had its piles of old *Godey's*? Every month it arrived, and every month there were the same sweet and uplifting stories, worded a little differently each time, to be sure, but still always the same, with their pious sermons on correct behavior, on the joys of the domestic hearth, on a mother's love, a sister's sorrow—all decorously phrased, never offending the most delicate sensibilities, always commending the humbler and more Christian virtues—and flattering the magazine's subscribers.

Certain ribald American men of letters, even before the Civil War, ridiculed its fashion plates, laughed at its wishy-washy morals, and mocked its verses, written chiefly by the ladies themselves, but *Godey's* continued to flourish. Lowell re-

ferred to it as "thrice diluted trash in the shape of namby-pamby love tales and sketches," and in 1860 Howells declared that its love tales gagged him. The more austere publications of those days scorned "this business of pampering to the ladies," but the lower intellect won the circulation—50,000 in the early forties and 150,000 in the sixties—and the piles of *Godey's* in the attics grew. Its only rival was *Graham's*, which had as its editor, for a time, Edgar Allan Poe. Both magazines received enduring fame in Hawthorne's "House of the Seven Gables." Side by side they lay on the parlor table. Only *Godey's* lay on the table longer. In fact, the life of *Graham's* was comparatively short. In 1842, Poe resigned the editorship, asserting that he "hated the fashion plates and love tales." But it should be remembered that he also wrote for *Godey's*—in fact, he wrote some of his best stories for it: "The Cask of Amontillado," "The Oblong Box," and "A Tale of the Ragged Mountains," as well as his famous series on the New York literati.

Between 1741 and 1800 forty-five magazines were started in America, including a German and a children's magazine. The first, which frankly catered to women, was the *Gentleman and Lady's Town and County*, set up in Boston in 1784. It was designed "to please rather than to wound women, the noblest work of God," but despite this laudable program it lasted for only nine numbers. Its successor was the *Lady's Magazine and Repository of Entertaining Knowledge*, published in Philadelphia in 1792. Its avowed object was to make a "good wife" and it announced that "every lover

of the ladies will stand forth as a champion in defense of a work calculated for the instruction and amusement of the lovely." From then on, ladies' magazines became fairly common. The *Boston Miscellany*, edited by Nathan Hale, Jr., shocked the academicians by featuring fashions, but soon even the *Athenaeum* was printing fashion plates. In many ways the most interesting of all these primeval *Delineators* was the *Lowell Offering*, published in the early half of the century by the mill girls of Lowell. The first number said, "This number is wholly written by females employed in the mills." Its motto at first was "The Worm on Earth May Look Up to the Star," but this was later changed to "Is Saul among the Prophets?" The *Lowell Offering* even made itself felt in Europe. Dickens praised it, as did the ever optimistic George Sand, while Thiers proudly carried it into the Chamber of Deputies to show what working women were able to accomplish under a Republic.

But the *Lowell Offering*, after all, was only a brilliant flash, and the girls were soon back in the mills. *Godey's*, on the other hand, lasted for more than half a century. Its success was due wholly to Louis Antoine Godey. If Godey knew the meaning of the word modesty, he kept it a secret. He talked only in superlatives. In each number he promised his readers that the next number would surpass all previous ones and when the next number came he declared that he had been right in his prediction, and then went ahead and predicted the same for the coming issue. It was an endless chain. Here are some of his titbits:

We have not space to describe the new and beautiful things which are preparing for the next volume. We can only say that arrangements have been made which will insure a richer excellence in the literary department and that the pictorial illustrations will be of the most perfect color. . . .

We have no hesitation in pronouncing this plate by Ellis the best line engraving ever published in an American magazine. . . .

The publisher has, at great expense, engaged an artist of taste and celebrity to reform the foreign fashions, so far as health and delicacy

require; and we shall try the experiment of exhibiting the mode in accordance with that system of improvement in the moral character of women which our own *Book* is pledged to sustain.

This campaign to reform foreign fashions was begun in 1843. Godey, at the conclusion of his announcement, printed a letter from Harriet Beecher Stowe, in which that worthy declared that his stand was a very "courageous" one. "But as our dear sex," she wrote, "are so extremely disinterested that considerations of life and health are altogether secondary in their view, the most hopeful mode of attack is on the score of grace and beauty, and if Mr. Godey's artist can represent ladies beautiful and perfect, who yet appear to have room to breathe, the battle may be said to be half won."

Godey gave the women plenty of entertainment. In addition to his fiction and fashion plates and engravings, he established a number of special departments—The Arm Chair, Literary Notices, Centre-Table Gossip, Health and Fashions, and so on. He published instructions in drawing and, for a small consideration, agreed to furnish the necessary pencils. He gave friendly advice to girls attaining womanhood, cautioning them against frivolous and wicked men and advising them to wait until they were at least twenty before making the connubial plunge. He printed brief reviews of books, such as the following on a drawing book published in Boston: "Mr. Mudge died, unfortunately, before he could complete the designs, which might have made his name as widely known as those of our greatest painters." He also published songs, both words and music, and they were all on the same level as "The Heart of Thy Norah Is Breaking for Thee," printed in 1844. Model houses, with the architect's designs, were graphically portrayed, and what horrible houses they were! Godey once advised the erection of thatched cottages for poor farmers. He did not include a barn, arguing that during the Summer the family cow would be in the pasture

and in the Winter it could live under the same roof with the family and help keep the house warm. The Chit-Chat of Fashions in 1844 contained the following:

Within the past week an invoice of bonnets has arrived from Paris and on Sunday the congregations of the fashionable churches looked like beds of lilies and roses. The latest style is really very beautiful, or, as the ladies say, sweet. The one I have been most pleased with is a perfect flower. The material is white figured muslin, delicately trimmed with ribbons and roses, and in form like the cup of a morning glory. If the humming birds and honey bees don't light upon it in Broadway, I shall think they show a great want of taste. For dresses, chameleon silks are much worn—three distinct colors, by some magic of art, being thrown on a plain ground, looking as if "Iris dipt the wool." A new style of evening dress appeared at the last hop at the Astor, which attracted the attention of connoisseurs as something quite original and beautiful: a white muslin with two broad and richly colored borders, looking like an illuminated title page.

II

It was Godey's business acumen and his absolute confidence in himself and in his magazine that made its huge success, but another person was really "the guiding star of female education." This was the literary editor, Mrs. Sarah J. Hale, who was born in Newport, N. H., and who died, after long years of devoted service, in Philadelphia, on April 30, 1879. She was first the editor of the *Ladies' Magazine* of Boston, which united with *Godey's* in 1837, and when the union was solemnized she moved to Philadelphia. In many ways so different, Mrs. Hale and Godey shared the same deep affection for the magazine. Mrs. Hale did not bluster. She shrank from the bitter controversies which so delighted the heart of Godey. She told her readers that they must be ladies. She was a lady herself, and she took her office as director of the female morals of America very seriously. She loved good causes. She was interested in the observance of Thanksgiving Day, she was the originator of the Seaman's Aid Society, and it was due to her energy that funds were raised for the completion of Bunker Hill Monument. She

also wrote cook books, and on all occasions meant well.

Little lessons in history could do her charges no harm, and so she often gave them homeopathic doses, slightly coated. In an 1844 number the fashions of that day and of 1798 were contrasted in pictures, and Mrs. Hale wrote under them:

Fashions of 1798—the year in which American commerce suffered so much by the depredations of the French cruisers—the year of Commodore Truxton's gallant and important victory, when his frigate, the *Constellation*, of thirty-eight guns, captured, after a desperate action, the French frigate *L'Insurgente*, of forty guns! May the men of America be always thus true, noble and brave, and the women be worthy of their love and esteem and protection! Look on these pictures and then turn to our Fashion Plate, and thank the Publisher of the *Lady's Book* for thus showing, by contrast, the beauty and becomingness of our present costumes.

Mrs. Hale published considerable poetry, always of the same tenor, sad and sweet, but hopeful. No matter what time of the day it might be, God was in His Heaven and all was well with the world. Here is a sample:

The Dying Girl

Haste then—and bring the flowers
And place them gently in her golden hair,
For few will be the hours,
They'll flourish there.
Stand back—uncovered stand—for lo!
The parents have lost their child.
Bow to the majesty of woe.

Occasionally Mrs. Hale indulged in facetious flights and in 1844 there actually appeared a series of somewhat ribald poems, by men and women, giving the respective authors' qualifications for marriage. Julia, who gave her address as Concord, contributed:

In dancing and morals I trip it along
Quite free from all sin—if a waltz is not wrong.
Your offer I take, and will say in a trice,
For a husband like you I will give a fair price.

Mrs. Hale always told aspiring writers that they should not expect financial remuneration for their verses and stories. How dared they even think of it! With all her kindness, and there is no doubt that she was kind, she exhibited a streak of

cruelty in rejecting manuscripts. In her Editor's Book Table she often printed, between parentheses, caustic comments on them. For example:

We have been very busy since last month unrolling MSS. and searching for pearls among the shells thrown so profusely from the ocean of literature on the shore of the *Lady's Book*. We have been obliged to throw aside the following: "There is Something I Love"—(very little in this)—"'Tis Night"—(and dark enough)—"Life in Perspective"—(a long one it must be)—"The Children in the Wood"—(where they had best remain). We think those whose articles are declined will thank us for this duty "in kindness done" and that even our long delay cannot extinguish the fire poetical in our correspondents.

Mrs. Hale had another lamentable habit. In her Editor's Table she would cull the best crumbs from rejected contributors and print them without mentioning their names! The fiction she printed was mainly very sentimental stuff. Although Godey was forever declaiming that the services of the best English writers had been engaged for the *Book*, its 150,000 readers were never entertained by the confessions of Mr. Fitz-Boodle, or the experiences of Mr. Charles J. Yellowplush, "some time footman in many genteel families." Both Mr. Fitz-Boodle and Mr. Yellowplush were very much alive in the *Book's* early days, but it knew them not. On the other hand, T. S. Arthur, author of "Ten Nights in a Bar-room," a favorite, and one of his moral stories, "The Minister and the Merchant," made a great stir. A minister whose salary was \$1000 a year had five children. Efforts were made by friends to raise it to \$1500, but Mr. Wayland, a rich merchant who had an only daughter, aged sixteen, refused to contribute. Then, of course, the daughter became ill. The minister paid her many visits, which the girl "loved." Finally the daughter died and her death is described as follows: "We need not linger with the reader about the dying pillow of one who ere the morning was the guest of the angels." Thereafter, it took Arthur only a page or two to tell how the minister and the merchant became united. An aged woman called upon the divine to tell

him that her intoxicated husband complained of seeing snakes. The minister dashed to the rescue. Meanwhile the merchant was in search of the minister. He was directed to the old woman's house, and there found the holy man bravely struggling with the drunkard, who was attempting to hurl himself from a window with a "cry of wild terror." Naturally the merchant concluded that the minister was a he-man after all, and so he agreed to the raise in salary.

Another typical *Godey's* story, "The College Boy," by Miss C. M. Sedgwick, is interesting chiefly because of the letter that the boy, a sophomore, wrote home when he was suspended. Here it is:

I am wretched beyond description. I have been publicly reprimanded and am suspended for the next term. Oh, that I had minded the ringing of the bell to morning prayers! Oh, that I had done what I ought to have done, and had left undone what I ought not to have done! Oh, that I had left in the chambers of my imagination those villainous caricatures of our grotesque tutor which brought me into disgrace!

Then Miss Sedgwick says:

Oh, love—domestic love—who can measure its height or its depth? It breathes music into the voice—into the footsteps;—it gives worth and beauty to the commonest office;—it surrounds home with an atmosphere of moral health;—it gives power to effort, and wings to progress. It is omnipotent—God is love!

The question of woman suffrage was dealt with at length in an article by Park Benjamin in the June number, 1844. The article, apparently inspired by a bill that had just been introduced into the New York legislature to extend the rights of women, said:

But—let me ask of my lady readers,—suppose the Congress should, at its present session, enact a law by which every female of a certain age might enjoy these privileges. How many are there possessing the modesty, the delicacy, the withdrawing spirit, the gentleness of the sex, who would not rather delegate to their husbands, their fathers, their brothers, those arduous and disagreeable duties? How many who, in addition to the duties of love, of friendship, of education, of charity, of all which society imposes, would willingly assume the burden of politics? I believe, I HOPE, there are very few.

Naturally, Mrs. Hale and Godey felt that the *Book* should print articles on etiquette. Here is a good sample from 1846.

Punning is now decidedly out of date. Never take your hat into the drawing room. Never talk literature on a visit of condolence. . . .

If the lady be something of a gourmande, and, in over-zealous pursuit of the aroma of the wing of a pigeon, should raise an unmanageable portion to her mouth, you should cease all conversation with her and look steadfastly into the opposite part of the room. Never talk politics at a dinner table nor in a drawing room. . . .

If you remove your hat, you need not at the same time bend the dorsal vertebrae of your body, unless you wish to be very reverential. If you have remarkably fine teeth, you may smile affectionately upon the bowee without speaking.

If you have bad squinting eyes, which have lost their lashes and are bordered with red, you should wear spectacles; if the defect be great, your glasses should be coloured. In such cases emulate the sky rather than the sea. Green spectacles are an abomination, fitted only for students in divinity.

Europe already had its lure in those days, and Paris especially, but Mrs. Hale took care to see that her articles describing foreign cities and customs should not be too voluptuous for the American hearth. In the forties the magazine printed a series entitled "Sketches of Paris" which discussed false hair and its mysteries, and the simple life of grisettes, and concluded thus: "The Parisian ladies go to market; this is praiseworthy, as it proves that they are occupied with their housekeeping and domestic duties."

III

There was one contributor to the *Book*, however, whose vitriolic pen must have made Mrs. Hale pray a few minutes longer each evening, and that was Edgar Allan Poe. In 1846 he published in it his series on "The Literati of New York City," which he described as being "some honest opinions at random respecting their authorial merits, with occasional words of personality." Just how honest some of these opinions were is a question, but there is no doubt about the "occasional words of personality," as Thomas Dunn English was destined to discover. In the

very first number Poe spoke baldly of the quacks in current American literature who won the praise of the press and the applause of the best society, while writers of talent, if not of genius, were lucky if they were received in the back yard. He went on:

For example, Mr. Hawthorne, the author of "Twice-Told Tales," is scarcely recognized by the press or by the public, and when noticed at all, is noticed merely to be damned by faint praise. Now, my opinion of him is, that although his walk is limited and he is fairly to be charged with mannerism, treating all subjects in a similar tone of dreamy innuendo, yet in this walk he evinces extraordinary genius, having no rival either in America or elsewhere—and this opinion I have never heard gainsaid by any one literary person in the country.

Again, of Mr. Longfellow, who, although a little quacky *per se*, has, through his social and literary position as a man of property and a professor at Harvard, a whole legion of active quacks at his control—of him what is the apparent popular opinion? Of course, that he is a poetical phenomenon, is entirely without fault, as is the luxurious paper upon which his poems are invariably borne to the public eye. In private society he is regarded with one voice as a poet of far more than usual ability, a skillful artist and a well-read man, but as less remarkable in either capacity than as a determined imitator and a dexterous adaptor of the ideas of other people. For years I have conversed with no literary person who did not entertain precisely these ideas of Professor L.

Poe greatly relished the Thomas Dunn English episode. "I place Mr. English," he said, "on my list of New York literati, not on account of his poetry (which I presume he is not weak enough to estimate very highly), but on the score of his having edited for several months, 'with the aid of numerous collaborators,' a monthly magazine called the *Aristidean*." Poe then suggested that English should apply himself to study, as he wrote "lay" for "lie," and when his attention was called to the mistake, attributed it to the printer. "Nobody," said Poe, "is so stupid as to suppose for a moment that there exists in New York a single proofreader—or even a printer's devil—who would have permitted such errors to escape." And then: "No one of any generosity would think the worse of him for getting private instruction. . . . About his personal appear-

ance there is nothing very observable. I cannot say whether he is married or not."

The author of "Sweet Alice Ben Bolt" retaliated in the New York *Mirror*, damning Poe's character and recounting several personal episodes, among them a thrashing which he claimed to have given Poe, and which, he intimated, was responsible for Poe's criticism. Poe's answer to this appeared in the *Spirit of the Times*, published in Philadelphia. Many new grievances against English were listed in the most bitter phrasology. He summoned all manner of nouns and adjectives to his assistance and compared English to "the most unprincipled of Mr. Barnum's babboons." Nor did he forget to maintain that it was Edgar Allan Poe and not Thomas Dunn English who administered the thrashing.

In his rejoinder English took satisfaction in pointing out that Poe's answer had been printed in a publication of small circulation. The fact that Godey had refused to print that answer greatly angered Poe. The document surely pleased Godey's combative spirit, but his shrewdness made him realize that the *Lady's Book* would not benefit by being embroiled in such a very unlady-like brawl. Poe complained of the rejection in a personal letter to Godey, but his feelings were temporarily pacified by a court of justice. English brought charges of obtaining money under false pretences and of forgery against him and the suit was decided by a verdict of \$225 in Poe's favor, with costs, the whole amounting to \$492. Nevertheless, Poe felt that he had a genuine grudge against Godey, and several years later, in a letter to a friend, he wrote: "As for Godey, he is a good little man and means as well as he knows how."

IV

"The good little man," with Mrs. Hale as his crew and refined taste as his beacon light, brought the *Lady's Book* safely through the storm. In that long stretch of years, from 1830 to 1877, many a rival magazine was born with a flourish and

died without a requiem. But the respectable steel engravings, executed by "the greatest artists"; the colored fashion plates, and Mrs. Hale's little sermons continued, and the piles of back numbers in the family attics of a Christian people grew to tremendous heights. The solid position held by *Godey's* in the households of "the better moral class" is reflected in the scores of complimentary references to it in contemporary newspapers. Godey always reprinted these, modestly announcing that he "couldn't resist the following."

In 1846 even the sedate *North American Review* said: "*Godey's* and *Graham's*—we have had these two rival magazines for April upon our table for some days, and we should be remiss if we omitted to notice the improvements in *Godey's*. We have an admirable number before us, and contributions from some of our best writers. No man has better taste than Godey, or knows so well how to be generous in all things to his patrons and friends." The same *North American*, nearly thirty years later, in referring to a recent number, said: "It condemns idle gossip in one story, social malice in another; commends improvement in dress, cookery and house decoration as worthy of woman's ambition; continues the drawing lessons, work department and recipes and furnishes a number of sprightly tales. The eighty-sixth volume commences with more merit and more vigor than the first and promises to continue the advance by which this point has been reached."

In 1870 the Philadelphia *Bulletin* offered this: "It is very appropriate that the fortieth year of this favorite old companion should be signalized by the publication of a portrait of its worthy founder. The gay old literateur is represented sitting at his editor's table, examining manuscripts, and the magazine is filled with a wonderful Christmas-stockingful of fashions, work-table models, recipes and all the specialties which have earned its two-score years' success." The Philadelphia *City Item* followed with: "It has been well remarked

that where *Godey's* is taken there is domestic neatness, comfort, elegance, virtue, which, we think, is saying a good deal for American women. God bless *Godey's* and keep it with us for many years!"

Nor did Godey scorn to print the notices of small town papers. East and West, South and North, not to mention the Sandwich Islands, vied in their glorification of him. The *Commercial Advertiser* of Honolulu, in the seventies, declared that his fashions were light and leading to the islanders. The *News* of Los Angeles said: "*Godey's Lady's Book* is without exception the best ladies' magazine in the world." The *Advertiser* of Savannah, said: "Like old wine, *Godey's* improves by age," while the *Herald* of Dallas, Tex., declared: "No lady should be without the peerless queen of all magazines for women," which had, "reached beyond the reach of successful competition." Finally, this gem was in the *Expositor* of Greenville, N. C., and, better than all the rest, better even than the words of Godey himself, it showed what "the book" meant to its readers:

The December number of this unprecedented periodical is before us, rich in beauty, grace and fashion. We will not pause to enumerate its varied contents, for we wish to have a chat with dear old Godey. Do you know, dear Mr. Godey, that the first remembrance of our childhood is of a lovely young mother with your beautiful book upon her lap, pointing out its matchless engravings to our enchanted vision?

Twenty years have passed since then and now a little five-year-old darling stands besides us and clasps her tiny hands in ecstatic admiration of your book. And in all these years your dear delightful book has been growing better and better.

In the issue for December, 1876, Godey and Mrs. Hale sang their swan song:

This number will close the ninety-third volume of the *Lady's Book*—558 monthly numbers! Forty-six years and six months of editorial labor! During all these years there has never been a single failure or delay. We feel proud of its age, we feel proud of its success, we feel proud of its prospects for continued prosperity, and today, as we send forth the last editorial of the centennial year, we feel that, with the union we have formed with the younger branch of our establishment, the hopes and the wishes of many of our exchanges will be fully realized.

The magazine continued for several years under the same name and in an 1877 number I find: "It is proposed to make the *Lady's Book* for 1878 far better than ever before. The steel engravings will be manifestly improved." It was the ghost of Godey writing. But not even his ghost was destined to live. Frank A. Munsey, the journalistic knacker, saw to that. The name was changed to *Godey's Magazine* and almost immediately it lost its character. In 1898 the last number was published. Then Mr. Munsey drove up his dead wagon and interred the remains in the *Puritan*. Gone were the crinoline days and gone was Godey's subscription list!

CANNED MUSIC AND THE COMPOSER

BY HARRY B. SMITH

ARTISTS may seem a pretentious word to apply to certain of the groups and individuals hereinafter referred to, but let it be assumed that they are at least creative in intention and let us therefore call them artists by courtesy. Whether you concede their right to the name or dispute it is a matter of aesthetics, and we are concerned here with a question of ethics. In the words of the Prince of Denmark to his mother I ask you to "look on this picture, and on this":

In one of the great thoroughfares of New York, there towers a building many stories high, a monument to the prosperity of a company engaged in manufacturing and selling mechanical musical instruments, a powerful corporation grown rich by marketing its device for reproducing music by machinery. There are many other such companies and corporations in America, and together they constitute one picture. The other appears in the recent death, in absolute destitution, of a man whose writing gave pleasure to American theatre-goers for many years and whose songs are known today to hundreds of thousands of our people. There are many similar cases. From the days of Poe and Stephen Foster down to the present time the poet and the composer in these United States have lived on crumbs from the rich man's table—if and when they could find them.

It will hardly be denied that without composers there could be no music, yet these great corporations keep on growing rich and the creators of the music that they sell either receive a mere pittance for it or are paid nothing at all. The venders of canned music get the money; the actual

makers of their merchandise receive the alms which their despoilers have been compelled by law to bestow upon them, the same being generally fixed at two cents a grab, or, to be more accurate, at one third of two cents, for the publisher and the writer of the words share in this dishonorarium. After the most meticulous investigation I have failed to discover any skyscrapers named after American composers and erected by them with capital accumulated from this stipend.

Even the modest two cents is a recent beneficence and was obtained only after a long and bitter struggle, in which the law-makers were heavily on the side of the benevolent corporations and opposed to the grasping and avaricious composers. During this struggle the manufacturers of all varieties of canned music argued that they had an inalienable right to reproduce copyrighted compositions at their pleasure and without payment, and to exploit them for their own profit! These enterprising business men regarded it as preposterous that the composer should ask for any remuneration whatever, despite the fact that their records and machines were killing the sale of sheet music, the sole source of the composer's income! At last the just and righteous Solons intervened and said to these captains of industry: "No! You shall not crush the composer! You shall pay him one-third of two cents!"

Meditate on the ethics of it. A composer, a writer of words, and a publisher create a song. The government gives them the protection of copyright, by which they are supposed to control and enjoy—for a limited time—the property they have

created. But then the law says to them: "You shall sell an important part of your rights to certain persons at a price which the law and the purchasers designate, namely, two cents." In all other known transactions the owner fixes his selling price and is not compelled to sell at all if he can't get it. But in the case of music, the unfortunate owner is commanded and compelled to sell—and the law and the purchaser determine the price! Yet someone has said, "I care not who makes the nation's laws, if I may make its songs!"

This business now appears to be settled for all time. The manufacturers may take whatever they want—and the composers are free to accept their one-third of two cents and to emulate the colored parson who was glad to get his hat back.

II

But now the composers are engaged in another conflict in which the principle involved is identical. The thought has occurred to certain representatives of government by the people and for the people that the men who write music are still receiving too much protection under the copyright law, and so it is proposed to change that law to enable broadcasters by radio to take their property and use it without any payment at all and as they may see fit. The iniquity of the proposed amendment to the law is so atrocious that it seems incredible that even a Senator of the United States could have proposed it. What has prompted it? Have the composers and authors assured some Senator that they long to have their writings performed gratuitously? Or is it possible that the radio manufacturers and the broadcasters have suggested that they would like to have the use of other people's property without paying for it?

It would be difficult to find a parallel for this proposal in the history of legislation, even in America. Where has there ever been a case in which a government has said to the owner of property: "We have

legislated hitherto to protect you in your ownership; but now we propose to take your property away from you and give it, without money and without price, to others for *their* use and benefit." But the injustice only begins with this. It is further proposed that the radio manufacturers and the broadcasters shall in turn hand over this property, absolutely free, to the very consumers upon whom its owners depend for their existence! Let each man think it out for himself, whatever business may happen to be his. Suppose, for example, that you earn your living by making and selling fountain pens. Certain powerful corporations induce a Senator to bring in a bill to the effect that, as every home should have a fountain pen, they will present one free to every family and will continue to supply new ones as old ones wear out. And, as if this were not enough, they will obtain their supply of fountain pens from *you* without paying for them. Who, in such circumstances, would *buy* fountain pens from you?

The argument of those who favor bringing this piracy within the law is that broadcasting is not done for profit, and that, consequently, there should be no payment to those whose property is confiscated and whose means of livelihood are destroyed. But can anyone in his senses believe that clever and enterprising commercial men are devoting their time and energy to what has developed into an enormous industry without profit of some kind? It is true that up to the present time, no plan has been devised to compel the public to pay directly for listening in. But a profit is obviously made in other ways—much of it, of course, from the sale of apparatus. Thus, the music taken from its owners, when transmitted by radio, *is* given a public performance for profit, even if the profit be indirect; and a public performance for profit in which authors and composers have no share is exactly the kind of piracy every intelligible copyright law on earth expressly forbids.

Indeed, the fact that no direct fee is

charged for listening in has nothing to do with the principle involved. A man is the sole owner of his own property, whether it be a song or a pair of shoes. It is no excuse for the theft of a pair of shoes for the purloiners to say: "I didn't take them for profit. I have plenty of shoes. I am going to give them away." The analogy fails in this: if a man has his shoes stolen by a philanthropist who says that he does not need them, that he is not stealing shoes for profit, the despoiled person loses his shoes, but that is all. He may have another pair or he may be able to get along without shoes at all. But those who propose to take away the works of composers who depend on those works for their livelihood propose to deprive the unfortunate owners of their very means of subsistence. Who will buy songs and pay for them when anyone may hear them sung by professional singers free of cost, not only once, but time after time, until they wear out? Who, indeed, will buy even a pianola roll or a phonograph record (at a price of from one dollar to five dollars, of which the composer receives one-third of two cents) if he can hear the same music night after night for nothing?

I believe that no other group of fairly decent and moderately honest men have ever found themselves in the position in which American composers and authors are at present. There have been crises and emergencies in which governments have commandeered necessities and distributed them for the general good, but only among nations reverting temporarily to savagery has there been no compensation to the owners; and I can recall no case in which such action has been taken against works of art.

III

Composers and authors have never been distinguished as money makers. Charles Dickens, the most popular novelist of his time, received what was thought to be a large income—about half what he would have received if our copyright law had

not then permitted American publishers to reprint his novels without paying him. But he certainly left no fortune. In recent years various benevolent schemes have been evolved to mitigate the poverty of his children and grandchildren. If he had devoted his ability and energy to the establishment of a business in the pickle manufacturing line, his descendants would now be enjoying the profits of an old reliable firm. Instead, he only wrote "Pickwick," "A Christmas Carol" and other books that have given pleasure to millions, so the members of his family, with one distinguished exception, are now aided by the Dickens Fellowship.

This is a typical case and shows the inadequacy of the copyright laws, even as they now exist. An author devotes his life to the only ability that he possesses; he writes books; he creates the only kind of property he knows how to create. The law says to him: "This property owes its existence solely to you—but you shall own it for only a limited time. Then it shall be taken from you, if you survive, or from your children after you, and after that it shall belong to anyone who chooses to exploit it at a profit to himself." But if the author had devoted his life and labor to acquiring any property other than his writings, the law would say to him: "That belongs to you and your heirs forever, or until you or they see fit to dispose of it." In other words, if a man is foolish enough to write books or compose music, the law sets a definite limit on the time that he and his family may have the use and benefit of the property he has created, and when that prescribed time elapses the law permits its confiscation.

It is true that in this day and generation there are authors and composers who realize substantial incomes from their writings. Some of them even acquire moderate wealth. But these are surely the exceptions. Those of more than ordinary talent are nearly all poor men. Certain playwrights, novelists and popular composers enjoy a few years of success, during which they

earn incomes equal to those of prosperous plumbers. Occasionally a newspaper paragraph reports that Mr. So-and-So, the novelist, has made seventy thousand dollars in one year from a successful book, or that Mr. Blank, the composer of several musical comedies, earned a hundred thousand dollars last season. But it is always forgotten that Mr. So-and-So and Mr. Blank may never again attain to that lofty financial eminence. The prosperity even of the few is precarious, and most authors and composers, year in and year out, find the small form income-tax blanks adequate to their requirements.

IV

This brings me to the subject of the income tax and its unfairness to writers. Let us suppose that Mr. John Doe, a novelist, has lived a hand-to-mouth existence for twenty years. Finally, luck, for once, comes his way, and he writes a novel which, in one year, earns him the sum of twenty-five thousand dollars. He has never done it before and he will never do it again. Old debts descend upon him and he pays them. What is left is little. For the future he has no provision. During the same year Mr. Richard Roe has five hundred thousand dollars left to him by an uncle in the form of property that averages a five per cent income. His income is thus twenty-five thousand dollars a year. Well, Mr. Doe and Mr. Roe pay precisely the same income tax—though Mr. Doe may make nothing at all after his one success and Mr. Roe's income continues as long as he lives. Mr. Doe spends for living expenses what his creditors and the government leave him of the twenty-five thousand dollars income during his one fat year, and his unfortunate family is left in poverty. He may have to be buried by a charitable organization, as was actually the case with a "successful" playwright recently deceased. Mr. Roe, however, goes on collecting his twenty-five thousand dollars a year all the rest of his life and then dies

leaving his five hundred thousand dollars of capital intact.

Is it not time that this great nation, (one conforms to tradition in the use of the adjective), with a government whose specialty is protecting industries, should protect those whom we classify, for want of better words, as creative artists? No alleged civilized government in the world does so little for them. It is, of course, too much to expect that our government will ever confer pensions, subsidies, or any other form of direct reward for achievement in the arts. The art and literature of America, such as they are, do not owe the state a penny or a grain of gratitude. The law simply gives creative artists copyright on their works, and with this protection for a limited time they manage to earn their livings. A few, perhaps two out of every hundred, acquire a competence. The rest live by constant hard work and die in poverty. A distinguished composer died recently who had been prosperous, for a composer, for many years. But was he able to retire when age began to overtake him? His income, alas, had never been regular enough for that, and so he died of overwork in the sixties.

This man's old associates are now battling with corporations of enormous wealth and power for the protection of such men as he was. They are going before a Senatorial committee as suppliants and saying: "Please, Senators, do not take away the rights given us by the existing copyright law of the United States. Do not take away the only property that we possess, and hand it over gratis to those who already have more money than they know what to do with. You don't go into a baker's shop and appropriate the bread he sells because you think it will make a political hit to give free bread to the public. Therefore, don't take our books, our plays, and our songs!"

It is a pitiable thing that such impractical, unbusiness-like men, who have imagination instead of the money-making instinct, are obliged to go as beggars to

the government to petition that they be not despoiled of their only means of subsistence. The extremists of the French Revolution, the Heberts and the Carriers, sent philosophers and poets to the guillotine on the ground that they were useless members of society. It is, perhaps, more merciful to decapitate a poet than to starve him to death. André Chenier is now the hero of an opera—but one of the most popular song writers this country has known in recent years died a pauper and was buried in the potter's field.

V

The United States is still referred to as young. Cynical critics, foreign ones especially, say we have no art. Some even deride our literature. A London critic not long ago expressed serious doubts that *any* American could write a good play. If that is true, then it is certainly not due to lack of effort. If we ever *are* to have a sound native art we must recognize that effort—we must give it fair play, an equal chance with trade. Our artists—to call them so for the sake of brevity—are too much imbued with the American spirit of independence to ask for patronage. They do not ask a government that squanders millions whenever a politician can jam through an appropriation,—they do not ask that government to pension artists; they do not ask for a Prix de Rome, or for any sort of benevolent paternalism. They merely ask that the rights given them by the government through copyright be not rescinded for the benefit of a combination of rich and powerful corporations. They merely ask that many poor men be not robbed for the further enrichment of a few wealthy men.

There are just two composers in America who are making large incomes at present. One happens to have several successes in the musical comedy line. The other is part proprietor of a theatre and has his own publishing business. There are others, of course, who make respectable livings, but

so does the druggist on the corner. Before the Senate committee of patents, at the recent hearing, a composer foolishly testified that "at one time" he had made sixty thousand dollars a year out of his publications. It sounded impressive, but it was a vain boast, and I venture to say that the "one time" was one year and no more. Another well-known musician, since deceased, asserted that he had made five hundred dollars a day as leader of a band playing for phonograph companies. He neglected to state that this was for one week a year; but it sounded like big money to Senators who have to live on their salaries.

Floating paragraphs tell of the large royalties paid for that vocal masterpiece, "Yes, We Have No Bananas," and the impression is created that song writers are rivals of Henry Ford. This being so, it is reasoned, composers and authors are financial octopi, and ought to be robbed of their ill-gotten gains. They should have their piffling songs sung in every home that can stand them, without profit to their grasping souls. But this is precisely the reasoning of certain organizations of criminals whose members decide just how much money one of their compatriots is entitled to and so justify themselves in relieving him of what they consider his surplus. If the fact that a man is rich warrants his being robbed, why not appoint a committee to take from Mr. Rockefeller all his oil excepting a reasonable supply for his own car and distribute it free in the homes of the oilless?

The attitude of politics toward art was well expressed by the remark once made by a Senator, who has since been mentioned as a presidential possibility, to a well-known composer. "Why, Mr. X." said this statesman, "you should not expect to be paid for your music. God gave you your talent and your work belongs to the world. You should be proud to have your songs sung by the people. You should be above asking for payment for them."

"Fine!" said the musician; "and I am to be fed by ravens, I suppose."

THE TRIAL OF THE DEAD CLEOPATRA

BY VACHEL LINDSAY

I

She Becomes a Soul

1.

SAID Set, the great accuser: "You poisoned your young brothers."
But the mummy of Cleopatra whispered, "These were the slanders of Rome."
"You poisoned your faithful servants.
You sold the Nile to Caesar."
But the mummy of Cleopatra whispered, "These were the slanders of Rome."
"You gambled with Marc Antony, for the last wheat in Egypt and the last blood of Egypt."
But the mummy of Cleopatra whispered, "These were the slanders of Rome."

2.

And Set, the soul defiler, the hyena, the tomb-violator,
Yet Prosecuting Attorney of gods and stars,
Eternal in the eternal Judgment Room,
Said, "Antony is again my witness."
For the ninth time Thoth drew him on the wall—
Again that ink was a green and sulphurous flame,
And Antony was pictured in his armor.
For the ninth time Thoth gave that Ibis cry,
And called forth that soldier from his tent.
He stood, a pillar of flame and smoking gold.

3.

Once the goddess high priests make of girls,

The Queen, who was more than mortal in her sorrow,
A speaking mummy, neither living nor dying,
A human log, held upright by Anubis,
Whispered again in the face of Set the deathless,
With the pride that flies to star-bright humbleness:—
"Cleopatra, the young girl, died when Caesar died;
Only my shadow revelled with Antony,
Coming forth by day from this dark hall,
As all you high gods knew from the beginning.
He was the plume of Caesar, nothing more."
She spoke, and the eyes of the dead Antony
Became the idiot eye-holes of a helmet,
The visor down. And his world-flashing sword
Was smoke, and dust—his face a vanishing flame.

4.

Then Cleopatra called through the dusty court:—
"I am the heart of Caesar, nothing more.
I have waited patiently for this, my judgment,
As all you high gods know, since Caesar died,
And brought me here that day that you judged him.
Queens have been born, have reigned, and have grown old,
Have come to judgment and to resurrection
Since Caesar knocked with me upon this door,

While his body lay in blood at the capital.
 You set him free, and sent him to the skies.
 Why should the gods keep Cleopatra
 waiting?
 Suffering the mummy's peril and thirst
 and hunger,
 Suffering the mummy's thirst and hell-fire
 flame?
 I, a dead log, cry to be made a god,
 I would be made a soul, and then a god.
 I, Cleopatra, defy Set the accuser.
 And I stake all on Caesar and our son.
 I have called those witnesses here nine
 times nine;
 Let Set prevent their coming nevermore.
 Why should this violator of the dead,
 He who would tear the precious mummy-
 cloth,
 He to whom only mummy-thieves will
 pray,
 He who would rend the helpless flesh and
 tendon,
 Stealer of vases of most precious ointment,
 Hyena-souled, small-minded, jack-daw
 king,
 Yea, the hyena-souled small jeweler,
 Counter of beads of lapis-lazuli,
 Stealer of mummy crowns, mummy san-
 dals,
 He the wrecker of tombs of gods, stealer
 of suns—
 Why should this mole steal heavens and
 suns from me?
 Why should this one defiler of the earth
 Prevent the coming here of Julius Caesar,
 And the beautiful young prince, Caesar-
 ion?"

5.

The silent gods half-opened their dull eyes.
 Isis, in mercy lifted one slender hand,
 And so at last the deathless prayer seemed
 heard.
 Thoth, with his chisel, cut in the wall
 before them,
 Then painted, Rome's giant hieroglyphic:
 Dead Caesar, with his deep red-flowing
 wound,
 Then Caesar's boy, Horus-Caesarion,
 An exquisite god-prince, naked and fair. . .

Yet patience, O mummy and prisoner,
 Cleopatra!
 For that slow, cruel, humorous artist,
 Thoth,
 Painted and carved for many a weary hour
 Sword-waving hieroglyphics, that, march-
 ing, sang
 Only at the end: "Come shining forth,
 Come forth, O deathless son of Amon-
 Ra!" . . .

6.

So Caesar and Caesarion at last,
 Stepped from the wall to the side of
 Cleopatra—
 And the great Queen fell there like a
 speaking image,
 Touching their feet. Her mummy-case
 was wrecked,
 A scattered, shattered chrysalis, and tomb.

7.

But what then of the flame called Antony?
 It merged into the majesty of Caesar,
 Walked with his stride, the shadow of his
 shadow,
 Hid in his robe, lost itself in his wound,
 Had neither vanity nor purpose of its own!
 Was seen no more! And Caesar stood there
 waiting,
 Only his crown was brighter now. His
 whip
 Shone like a torch above the dusty floor.
 There was silence, like the deserts of the
 West. . . .
 But Set, the beautiful, the hard and proud,
 Called again to all the Egyptian gods,
 Pointing at the high-throned Alexander,
 Then pointing long fingers at the fallen
 Queen,
 The mummy-cloth still binding her dead
 knees,
 Dried mummy-wreaths fallen from her
 hair:—
 "These are invaders, like the Hyksos
 Kings!
 What have the Ptolemies to do with
 Egypt?
 What right had the Macedonian phalanx
 here?
 Why are Roman legions on the Nile?

Are these the children of King Amon-Ra?"
Then, like a flame, the golden Caesar
spoke:—

"She set me on my horse to win the
Parthian Crown.

We were going to conquer utmost Asia,
Build again the empire of Thutmose third,
And send the ardent arrows of Amon-Ra,
To Ultimate Britain and Ultimate India.
Casca, Brutus and Cassius, struck too soon!
They could endure a King, but not a God,
They could endure a Queen, but not a God-
dess,

And they hated my Queen—Goddess Cleo-
patra.

No blood was in her veins but the sun's
blood,

Sweet Hathor lived in her eyes and her
dimpled knees.

And here, with open wounds, I praise her
yet.

I was weary and old, with shadowy ambi-
tion.

She kissed me into pride and power again,
She made me into a son of Amon-Ra,
Made me again the peacock of the world,
With one kiss of her girl lips, long ago.

There on the Island when I met her first—
This priestess taught me the wisdom of
old Thoth,

Who hears the wit and even the sweet
singing

Uttered among the humorists of the moon.
We chanted the Chapters of Coming Forth
by Day

Till Thoth himself flew in from the wide
sea—

The Ibis with the rakish wing and stride—
With the great chapters marching after
him,

The hieroglyphic soldiers of his Heaven—
That will go marching, flying and glitter-
ing,

Waving stone wings through men's minds
forever

When all Rome's legions are but dust and
bones,

When every arch of triumph has fallen
down,

When men will fly with iron wings and
speak

Across the sky in words that bind the
world,

And light can shine through earth,
through steel and granite,

Those hieroglyphics still will march and
sing,

Defending gods and all the tombs of gods,
From Set and his innumerable train,

And all that violate your Judgment Hall."

8.

The heart of Cleopatra in the balance
Neither rose nor fell, and not one breath
Overthrew the Feather of Truth in the
scale-cup.

Anubis the faithful Jackal kept the scales,
(God of spices and incense and embalming,
God of the body's dim eternity.)

He kept the wicked hand of Set away.

9.

The Feather of Truth and the Heart kept
balance still,

But Set with the monster Ammit at his
side,—

Devourer of hearts found guilty and re-
jected—

Set the beautiful—the hard and proud,
The tempter, the diabolical postponer,
Tried yet to outwear her heart till it fall
from the scales

Into the monster's jaws to dreadful death.
He said: "Your fable is yourself in truth,
Your rumor is your soul, your name is you,
To the farthest caves of long reëchoing
time."

10.

Set the accuser lifted his lean hand,
And a myriad sounds came up from the
deep of the deeps,

And from the desert sands of the whole
world:—

"She wasted us in battle. Let her die."

"She wasted us in battle. Let her die."

"She wasted us in battle. Let her die."

11.

But what have the gods to do with such
complainers?

They love the beautiful, the hard and proud.

Only these can wake them from the night. . . .

The law's delay among the gods is great.
They sleep on shadowy thrones. Their words grow grey.

Their ribs are basalt and their faces basalt,
Cut by the hardest chisels of proud priests.

12.

High above, in the light of each changing year,

Priests of the jeweled temples of Abydos,
Thinking not of forgotten Cleopatra,
Of Caesar, Caesarion or Antony,
Sang their sweet songs of the soul's resurrection,

Songs to Osiris, "*First of the Westerners*,"
Thinking only of their unburied dead,
Of mummies, to be sealed in their holy tombs.

13.

And Set still held the gods' too-sleepy eyes.

With quiet gesture and tremendous mien
He pointed there to the pitiful prostrate one,

Half-mummy and half-living girl. Her lips
Had called in vain for water and for food
For years and years. For moments like centuries,

Anubis the faithful Jackal fed her smoke;
There, with iron paws, beat down the snakes of death.

And Set spoke on, while it seemed ten thousand years:

Said Set, the torturer, the King of Hell-fire:—

"Command these grave stones to be made your bread,

In my great name—proudly defying them.
I have lived in hunger and thirst and fire—

Longer than from the first great pyramid—
Thus I out-wear these gods in pride and magic.

Thus I will change the meaning of your name.

Thus are real sun-gods made, O queen of the skies!"

14.

But she was given in mercy the wisdom of Thoth,

And though her mummied face was in the dust

She whispered against the tempter one last spell:—

"Must Set still violate the Judgment Hall?
Let the cold scales be the sole judge of my heart.

And as for the kingship of the Universe:—
Hail to the true light-god, Amon-Ra,
And his Roman son, Caius Julius Caesar,
God and King and Peacock of the World!"

15.

And now the steady hand of Thoth was trembling,

The artist, king of magic and miracle,
Physician, healer, and merciful at last.

He touched her shrivelled hands with reverent love.

He touched her gilded eyelids and strained arms,

And loosed the mummy bands from thigh and heart—

And she was again held upright by Anubis,

A speaking mummy transfigured, and not dying,

And she stood pitifully by Caesar there,
Half-mummy and half-god—but beautiful,
A soul indeed, a human soul at last,

The Macedonian glory in her face,
Flowering toward Egyptian resurrection,

Wan though with sickness through eternal years.

II

She Becomes a Goddess

I.

And still the steady hand of Thoth was trembling.

Amid his strange unfaltering picture-writing

Strange winds from unknown heavens
swept the tomb.
He shook his Ibis wing, nodded his head—
For the log had well-nigh changed into
the goddess.
For the wisest woman of all the women of
time
Heard now with him the rumors of the
nations—
For these two could see and hear and appre-
hend
Further than all those basalt gods there
brooding,
Further than Set, accuser of gods and
stars!
Dim dreams, on the march, above the
Universe!
Strange doings on the edge of the Dead Sea.
The little river Jordan roared like doom.
There were shoutings and hosannahs among
small peoples!
Wild fishermen on the Sea of Galilee!

2.

Then even Anubis lifted his jackal head—
For there was the incense of a more merci-
ful empire,
A thought of terrible justice in the air,
Greater than all the mercy of Osiris,
A terror to all, an omen of all omens.

3.

And all those great gods stirred on the
basalt terrace—
For the bark of Anubis came like a temple
gong.
And the cry of the woman rang through
the dusty hall.
The cry of Cleopatra came that hour
With the musical voice of all the women
of time:—
“This great and noble peacock, Julius
Caesar,
Ruled the world by vanity of the gods,
In splendor like the bridegroom, Amon-Ra,
When the knife swept down in hatred of
his worth.
That arrogance of the gods no mortal
knows—

Then I came knocking at my dark tomb
door,
Then I came clamoring for my goddess
throne!
First for my soul, and then my goddess-
throne!”
As Set was opening his mouth in scorn:—
“Your rumor is your soul, your name is
you!”
She sang above Set’s accusing voice,
With the voice of one arising from the
dead,
Never again to be defeated there:—
“Why should the gods of Egypt
Believe the eternal accuser
Or the lying poets of Rome?
These were the slanders of Rome!”
But Set still cried, and would not be put
down:—
“Your name, your hieroglyphic, still is
you.
The written rumor of your name is you.”
The forty-two assessors and the twelve
great gods of Egypt
Were growing very old. But their daugh-
ter, the pale queen,
The last of royal Egypt,
Was thwarting the vile devourer.
So they watched the increasing flame in
their vague hot eyes,
(Flame like the goldsmith’s furnace melt-
ing brass),
Her gentle increasing strength as the years
rolled on,
The years and years, and moments like
centuries,—
And they watched and knew and under-
stood unsmiling
That the Feather of Truth fell not from the
balance;
The flaming heart fell not. But it whis-
pered there:
“I am the heart of Caesar, nothing more.”

4.

Set, great prosecutor of gods and stars,
Cried out boldly still to Cleopatra:
“Mongrel in Egypt like yonder Alex-
ander,

You are named in the eyes of all the women
of time,
'Traacherous,' 'mongrel,' 'upstart,' 'thief,'
'betrayer'!

The world will believe my word in the
mouths of the singers,
And these gods believe all the golden
slanders of Rome!"

Barking his terrible bark he stood there
watching

With his ravening hungry monster at his
side—

Set who had murdered, then tried the good
Osiris

Before this very court of the basalt gods,
Still stood unsmitten in Osiris' court,
Though the merciful King, now at the top
of his stairway,

Ruled and justified all the pure of heart.
Strange winds from the uttermost heavens
swept the tomb

That the merciful King never before had
known.

The merciful King lifted his shepherd's
crook,

Isis in mercy lifted one slender hand.
Thoth, the great, lifted his Ibis-wing
To the very roof of the black-basalt hall—
And that Macedonian Cleopatra
Was dressed now in strange spiritual snow-
white—

In her wan arms, the child Caesarion.
She fixed her eyes on the god Alexander;
With the gods, a basalt son of Amon-Ra,
She prayed, with Caesar burning by her
side,

While all were tranced and lifted beyond
all dream:—

"O son of Amon-Ra, though a Macedon-
ian—

O Alexander! Your great mother bore you
To the glory of the sun-god long ago—
You came with Ptolemy to take your
kingdom,

In the beautiful oasis Sekhet-Amit,
And there it was that Amon-Ra came
down

To claim you, and to claim great Ptolemy
As Egypt's king, and his Macedonian
sons.

You set the Ptolemies upon the throne,
Giving their queens to Amon-Ra in love.
Give us our thrones, this day, beside your
thrones!"

5.

So Caesar, Caesarion and Cleopatra
Prayed toward the basalt throne of
Alexander.

He stretched his priest-carved arms in
miracle,

Descended from the terrace in strange
might—

A blazing sun, hidden within that tomb,
Giving them bread and nectar of Amon-
Ra,

From the cup of the eternal Egyptian
heavens.

6.

The god-cup there ended the thirst of the
dead,

And the flaming wound in Caesar's side
was healed.

Gone was the hieroglyphic of Cleopatra
From the tomb-walls and from the coffin-
lids.

Gone was the fabled wife of Antony,
Gone was all former meaning of her name.
The blood of Macedon had left her veins
And all the goddesses there on their
thrones

Shook sweet Hathor's sistrum like soft
bells,

And the magical subtle jingle healed the
air,

And they called her: "Hathor's-body-and-
heart-and-soul."

And they called her: "Hathor's-laughter-
and-true-name."

Her ears became the tiniest humorous calf's
ears,

Like sweet and humorous Hathor's mas-
querade

When she dances among the half-grown
girls and boys.

Then her white robe fell like snow blown
from a cliff,

Then she stood there the brown Hathor,
Queen of the Nile,

An airy girl-Egyptian full of whims;
Hathor's last and greatest incarnation

In Hathor's oldest, richest, strangest land;
 A black-eyed girl with body of living
 gold,
 Tender, innocent, marvelously young.
 Leaving the scales where for long years it
 had waited,
 Her heart flew back to her breast forever-
 more.

Justified! Justified! before the good Osiris,
 The name, "Osiris," now blazing on her
 breast,
 As on the breast of Caesar and her boy.
 And Thoth cut the great verdict on the
 wall.
 Leaving the scales where for long years it
 waited
 The Feather of Truth flew to the forehead
 of Isis,
 Plume of the mother, the merciful mother
 Isis,
 Plume of the Queen, whose victory is the
 Truth.

7.

As Thoth cut the great verdict on the wall,
 And the new names of the Queen that the
 great gods cried,
 Picture-names they invented each new
 hour:
 Caesar with the perfect eye of the elder
 Horus,
 Wearing the ancient crowns of the South
 and the North;
 The Queen, clothed with the ravishing
 form of Hathor,
 And the beautiful son, the heir Caesarion—
 These three, the last of the Egyptian
 Triads,
 Flamboyant and triumphant and magnifi-
 cent,
 Chanted the Chapters of Coming Forth by
 Day,
 As in old days, chanted the golden chap-
 ters,
 And the words of power swept through
 the dusty hall,
 And vindicated all the magic of Thoth,
 The love of Osiris for the wise and just,
 The love of Amon-Ra for his little children,
 Vindicated that strange wind from Heaven

That none of these old gods could call or
 know,
 That still, as one more mystery, swept the
 tomb.
 There, there, was more than Egyptian
 Resurrection—
 And a terrible new mercy in the air.

III

She Is Lifted With the Old Gods Into the Sky

1.

The walls widened, and were the horizon's
 rim.
 The roof arched up, and was the infinite
 sky.
 Where were those gods, who had lived in
 priest-carved stone?
 Gods about to die, through infinite age!
 Their souls were high above the Universe,
 In the marvelous West, where all our
 dead have gone.

2.

Caesar, Caesarion and the Queen
 The last to be raised to heaven through
 heathen pride,
 Wearing sandals of lapis-lazuli,
 In a moment were one flash of ascending
 light.
 They climbed blue steps, and sat with the
 good Osiris
 At the top of his stairway, "First of the
 Westerners,"
 Bowered in the flowers of the deep Western
 heavens,
 With the far dim souls that built the
 pyramids,
 With the judgment-gods and the forty-two
 assessors,
 With the four sons of Horus on the lotus,
 With Thoth and Maat and the Memphian
 chivalry,
 Anubis, and King Menes and his train.
 They took their thrones with Isis and with
 Nephtys,
 Hatshepsut, Tiy and the strange Ikhnaton,
 With Alexander, with the Ptolemies,
 With Amon-Ra, and his Macedonian sons.

3.

She stood with young Caesarion in her
arms
She stood with shadowy Caesar in that
sky.
She kissed him into pride and power again.

4.

Beneath their feet every sun and star
And time, and fear, and the whirling Uni-
verse,
And the Book of the Dead was rolled up
for that day,
The judgment scene was ended. And far
below
The priests of the jeweled temples of
Abydos,
Thinking not of forgotten Cleopatra,
Of Caesar, Caesarion or Antony,
Sang their sweet songs of the soul's resur-
rection—
Songs to Osiris, *First of the Westerners*,
Thinking only of their beloved dead,
Of mummies newly-sealed in their holy
tombs.
And Set, the beautiful, the hard and proud
Stealer of vases of most precious oint-
ment,

Stealer of red, pitiful human hearts,
Determined still to win the universe,
Set the accuser, victor in his fashion,
Since to accuse, to him, was a victory,
Insulter of judges and stars to the highest
sky—

He who accused Job long ago
In the Judgment Hall of Jehovah of the
Jews,
Then laid his hand upon him through long
years—
Set the accuser, resuming his name of
Satan,
Wearing sandals of hell-fire, laughing, not
smiling,
Barking his terrible bark, marched far to
the North,
There to accuse and tempt in the Dead Sea
Desert
And on the pinnacle of King Herod's
temple
And on flower-decked mountain of medita-
tion
The son of a girl, fairer than Cleopatra,
A son of Amon-Ra, prouder than Caesar,
And lovelier than the young Caesarion.

THE ORDEAL OF PROHIBITION

BY CLARENCE S. DARROW

IT took many months for the inhabitants of the United States to realize that (at least theoretically) the country had gone dry. The Eighteenth Amendment and the Volstead Act were passed without submission to the people, who had been educated for nearly a century and a half to believe that they were the supreme power in the government of the land. A radical and revolutionary change in policy was made as a war measure, at a time when the great majority of citizens were engrossed in graver matters, and when none but a few zealots considered Prohibition important. While the legislation designed to put it into effect was pending, a large number of our young men were fighting in France and the whole country had its thoughts on the war. It was a favorable time for zealots to do their work.

But all that is now past. By whatever means it was done, and however slight may have been the understanding of the people, the fact is that Prohibition is entrenched today in the fundamental law of the nation, and, what is more important, that there are many men and powerful organizations who feel it to be their duty to enforce it. The impossibility of its complete repeal has only slowly dawned upon the American people. Even to modify the Volstead Act would require a political revolution; to repeal the Eighteenth Amendment is well-nigh inconceivable. Eleven or twelve million voters, properly distributed amongst the States that naturally support Prohibition, will suffice to keep it on the books. But does this mean that it will remain in force forever? Does it mean that millions of people who have

no sense of wrong in making, selling or using intoxicating liquors will be subject for all time to drastic penalties and tyrannical judgments?

The question can be best answered by a glance at the history of the methods by which laws have been made and repealed in the past. Against the rash doctrine of the unthinking, so often heard today, that so long as a law is on the books it must and shall be enforced, stands the almost universal experience of mankind. Probably no one who ever actually studied the growth and change of law and understood the true nature of government has ever held that so long as a statute is on the books it should be enforced. All such students know that it is an idle statement, made by men who are ignorant of history, or who are excessively eager to enforce some particular law.

Most laws grow out of the habits and customs of the people. These customs grow into mores and are finally embodied in laws. Long before statutes are passed, the great mass of men have formed their attitudes and ways of living and the statutes are simply codifications of existing folkways. Now and then, however, this natural process is changed. Some active minority, moved by religious zeal, political intolerance or special interest, finds itself able to pass a law that has not originated like the others in the customs and habits of the people. Such laws are often extremely arrogant and oppressive; they violate the conscience, the practice and the beliefs of a large number of the citizens of the state. No better illustration can be found than the body of

statutes which shaped and directed the Inquisition. These were laws meant to enforce religious doctrines; they were passed alternately by Catholics and Protestants, depending upon which was in power at the time. During the three or four hundred years of violence and bloodshed that followed, many millions of human beings were directly put to death by execution or indirectly by war, and they comprised many of the best, the most intelligent, and the noblest people of the earth. The reign of terror devastated large portions of Europe and threatened completely to destroy freedom of thought and speech. Very few people in any country today would advocate the revival of any of these fierce and bloody laws. Civilization looks back upon them in amazement and horror. It feels a deep relief that the Inquisition is dead. But it forgets the method by which the laws underlying the Inquisition were got rid of.

It took religious persecution more than a hundred years to die in Europe. It lingered in some countries long after it was dead in others. It was not disposed of at last by repealing the various civil and canonical laws under which hundreds of thousands had been burned at the stake and tortured in the most horrible ways; it perished through the growth of scientific knowledge and rationalism, in the churches and out. Gradually the inquisitors themselves refused to enforce the laws. They framed for themselves all sorts of excuses and evasions, until finally they began to take their appointments and draw their salaries without any thought of performing the bloody services for which their offices were created. The Inquisition died because it was outgrown. In some places, long after the persecutions were ended, the laws were repealed, but not always, not everywhere; sometimes they were allowed to remain on the books. Some of them, indeed, have never been formally repealed to this day. But there are few bigots now living who would urge that men should be burned or tortured

because they disagreed with a theological dogma. Even the most unintelligent would not seek to resurrect the torture chamber on the ground that it is a sacred duty of government to enforce all laws, however foolish, so long as they remain on the books.

Along with these laws, and really a part of them, was the code which punished the crime of witchcraft. This, like the code of the Inquisition, was a part of both the civil and the canonical law. The statutes were numerous and brutal in the extreme. They provided for torture, for burning, and for even more horrible modes of killing. After the death of the witch, his or her estate was confiscated. These cruel and barbarous laws were in effect all over Europe and spread to America; they were in force, at one place or another, for three hundred years. Now and then some judge or ecclesiastic who was more enlightened and humane than the others refused to put witches to death, and so prosecutions would tend to fall off. But at some subsequent time they would be resumed again by a sudden flaming of religious fanaticism. Joan of Arc was one of the noblest victims of this fanaticism. Would our modern Prohibitionists have approved of her death on the ground that the law was on the books? Would they have solemnly mouthed the foolish phrase that "the best way to get rid of a bad law is to enforce it?"

Cotton Mather wrote a history of witchcraft. It was introduced to the English public by Richard Baxter, who declared in his preface that "a man must be a very obdurate Sadducee who would not believe in it." The book was extensively circulated in America and had a great influence in spreading the belief in witchcraft and in supporting the drastic laws which were passed against it here. Now and then some enlightened clergyman, such as Hutchinson, denounced witchcraft as a delusion, but the belief in it became almost universal. Gradually, however, either because of weariness in the shedding

of blood or a rising skepticism, the prosecutions began to abate. Three witches were executed in England in 1682 and one in 1712. These were the last who died under those fanatical, horrible laws outside of Spain, where the mania lingered into the next century. Many began to disbelieve; juries refused to convict; pamphlets and books appeared against the prosecution of witches. The law remained on the books,—but it was dead. It perished from lack of use, not from repeal. John Wesley, writing on the subject in 1760, regretted its disuse. He admitted that most learned men, by that time, disbelieved in witches, but he still contended that witchcraft was a fact. He regarded the general disbelief “a compliment which so many that believe the Bible pay to those who do not believe it,” and said that the “giving up of witchcraft is in effect giving up the Bible.”

The story of witchcraft in America is not so long. Up to the year 1692, there had been perhaps a dozen trials and not over two or three executions. Most of the prosecutions occurred in 1692. They were almost all in Salem, Massachusetts, the first ones occurring early in the year under an old English law that was still in force but had lain dormant in the Colonies. In the same year Massachusetts passed a new act defining and punishing the crime. In this year some twenty people, mostly women, were convicted and executed in Salem. Accusations passed from one to another until no one was safe; finally a charge was made against a prominent and influential woman of Salem, the wife of a clergyman. Everyone began to fear accusation. In 1693, a number of people were placed on trial in Salem. The evidence was not substantially different from the evidence in 1692, but the jury refused to convict. No further trials occurred in Massachusetts, but the law was not repealed until two years later.

It should be noted that the juries that acquitted in 1693 were made up of the common people, while the juries that

acquitted in 1692 were made up of free-men, who were necessarily church members and therefore not so likely to act as independently and humanely as jurymen selected from the body of the people. Winfield S. Nevins, in his “Historical Sketch of Witchcraft in Salem,” says that after the first acquittal in 1693 “every effort was made by the authorities for three months longer to secure convictions. The officials never relaxed their efforts until the juries composed of the common people had refused repeatedly to convict.”

II

The long code of laws in America which have passed into history under the name of the Blue Laws furnish another illustration of the way in which fanaticism burdens the statute-books with oppressive legislation, and also of the way in which the common sense of the people finally disposes of it. It would be hard to find a variety of conduct that the Blue Laws did not attempt to regulate or any expression of pleasure that was not frowned upon or forbidden. They forbade women to dress their hair in a way that would attract attention, or to wear ribbons or silks. They forbade attending theatres; all kinds of travel on Sunday, except going to and from church; sleeping in church, not attending church, and the playing of any game of any sort on Sunday. They regulated the diet of the people, and of course regulated it so that they could eat nothing which tasted good or was expensive. They constituted, in brief, a desperate crusade against joy. Their theory was that good people would have their pleasures after death, and that the less joy they indulged in on earth the more they would get in the hereafter.

These laws made it the duty of all men to deliver offenders to the police for punishment. They made spies and informers of every citizen, and those who failed to serve did so at their peril. Dancing was forbidden; children were forbidden

to walk the streets and fields on Sunday, for "they misspend that precious time, which tends to the dishonor of God and the reproach of religion, grieving the souls of God's servants." Parents were required to punish any child over seven years old for these offenses and to report it to the authorities in case punishment accomplished no result. In order that the Sabbath should be strictly observed it was provided that Saturday night, after sundown, was a part of the Lord's Day, but that the Sabbath did not end at sunset on Sunday, but continued until midnight. Death for cursing or striking parents was decreed by the Massachusetts Colony in November, 1646, if done by a boy or girl over sixteen years old. It was enacted that "any son which will not obey the voice of his father or the voice of his mother and when they have chastened him will not harken unto them, then shall his father and mother, being his natural parents, lay hold on him and bring him to the Massachusetts Assembly in the Court, and if it is proven in Court that their son is stubborn and rebellious, and will not obey their voice and chastisement, but lives in sundry, notorious crimes, such a son shall be put to death."

Politicians, Better Government Associations and Law Enforcement Leagues loudly proclaimed that all these laws must be obeyed; that so long as they were on the books they must be enforced. They are, however, not enforced today—even though many of them have not been repealed. Theatres were forbidden in Boston, but there were plenty of playhouses in New York and the well-to-do who lived in Boston and believed in enforcing the law went to New York and attended the theatre there, just as they now go to Havana, Canada, Mexico and England for a drink. Later, theatres were built in Boston, at first under the pretense that they were not theatres at all, but only lecture-halls. In them songs were sung and women walked on tight ropes. The people grew bolder and bolder as their

natural impulses asserted themselves. The performers were prosecuted, but the juries acquitted them and judges began distinguishing what the law meant until it finally meant nothing.

Most of the other Blue Laws died the same way. The law compelled going to church on Sunday, but many people would not go. The law forbade sleeping in church, but they slept. Women wore ribbons and silks and curled their hair in spite of the law. Children were children, and played on Sunday. Occasionally, after they had been long ignored, under the impetus of a general housecleaning, some of the old statutes were repealed. But many remain on the books today; they are not worth repealing, for they are dead. They are like the rudimentary muscles which abound in the human body; they once did some kind of service, but the rest of the muscles found a way to get along without them, so they became useless and atrophied. They were not removed by a surgical operation, for it would have been difficult and superfluous.

The Poor Laws of England which were more or less in force for three hundred years—from the Sixteenth Century to the beginning of the Nineteenth furnish abundant evidence of the way that arbitrary and cruel legislation may be forced upon the books by an active party serving its own interests. And, together with the Labor Laws of the same period, they show also the method by which the people get rid of such statutes. "Begging and idling" were strictly forbidden except upon special license by the authorities. "Sturdy beggars"—that is, persons who were able to work but idled away their time—came under the fierce condemnation of the law. Punishment of death for the third offense was enacted and thousands of people suffered execution. Still, in spite of the statutes and their steadily increasing penalties, it gradually grew impossible to convict, and they finally fell into disuse—long before their repeal. In 1530 Parliament passed a law confessing the failure

of all other laws to accomplish the object aimed at; its preamble was as follows:

Whereas, in all places throughout this realm of England, vagabonds and beggars have long time increased and daily do increase, in great and excessive numbers by the occasion of idleness, mother and root of all vices, whereby hath insurged and sprung and daily insurgeth and springeth continual thefts, murders and other heinous offenses and great enormities to the high displeasure of God, the inquietation and damage of the King's people and the disturbance of the common weal of this realm. And whereas many and sundry good laws . . . have been before this time devised and made . . . for the most necessary and due reformation of the premises, yet that notwithstanding the said numbers of vagabonds and beggars be not seen in any part to be diminished, but rather daily augmented and increased into great routs and companies as evidently and manifestly it doth and may appear.

Although this law provided for excessively barbarous punishments, it had no effect, and five years later Parliament passed another law, one section of which read:

. . . that if any of the aforesaid rufflers, sturdy vagabonds and valiant beggars, after such time as they have been once apprehended, taken and whipped, . . . happen to wander, loiter or idly to use themselves and play the vagabonds and willingly absent themselves from such labor and occupation as he or they shall be appointed unto . . . that he or they, being again apprehended and taken of suspicions of idleness, . . . shall be brought before the next justice of peace, and upon due examinations and proof of the continuance of his said loitering, wandering in idleness or vagabondage shall be not only shipped again and sent into the [place] . . . wherunto he was first appointed, but also shall have the upper part of the gristle of his right ear clean cut off, so as it may appear for perpetual token after that time, that he hath been a contemner of the good order of the commonwealth . . . [and for a third offense] then every such sturdy vagabond and valiant beggar so found guilty as contemned shall have judgment to suffer pains and execution of death as a felon and as enemies of the commonwealth and to lose and forfeit all their lands and goods as felons do in all other causes within this realm. . . .

But even this law had no effect. The statutes were constantly neglected and new legislation was passed without better results. Finally, the whole body of it fell into complete disuse. But it was not repealed until 1834!

With the rise of trades unionism in England drastic measures were taken against rebellious workmen. For one

laborer to solicit another to join him in a strike was made a felony. Organizations of workmen were driven into the woods and waste places to carry on their activities. These laws were made and enforced by landholders and by others who wished free competition between individual workmen, that wages might be low; but in spite of jails and scaffolds the labor organizations grew and flourished until all the laws were nullified by disuse. It was only long afterward that they were repealed.

III

The English criminal code is filled with examples of the process of getting rid of legislation by disuse. Up to the beginning of the last century more than two hundred offenses were punishable by death in England, including loitering and loafing, petty larceny and poaching. The scaffold had its thousands of victims, but crime increased. Finally juries refused to convict, judges found excuses, the laws became dead letters, and eventually they passed into the rubbish heap. They were repealed in the end because they encumbered the books and no longer had any vital force. The humanizing of the English penal code came from the fact that juries would not convict. They were too humane and decent to obey the laws.

The history of the past is carried into the present. All our codes are filled with obsolete laws. The Fugitive Slave Law was never obeyed in the North; it took more than a law to compel a humane white man to send a black man back to slavery. The Sunday laws today in many states of the Union forbid the publication of newspapers, the running of trains and street cars, riding and driving for pleasure, attending moving picture shows, playing any game, the starting out of boats on voyages, or the doing of any work except works of necessity. Nearly all these laws are dead, though they still remain on the books. They are dead because they do not fit the age. They are not

now a part of the customs, habits and mores of the people. They could not be enforced.

After the Civil War the Constitution was amended to abolish slavery and provide equality between whites and blacks. Congress and most of the Northern States thereupon passed explicit legislation forbidding any discrimination between the races in public places, such as hotels, theatres, railroad trains, street cars, restaurants and the like. But these laws, as everyone knows, are now openly ignored. The Negro does not go to the good hotels; he does not have good seats in the theatre; he does not enter the best restaurants; is not permitted to mingle with the whites, or to get what the whites believe belongs exclusively to them. This is not only true in the South; it is rapidly becoming a fact in the North. Custom and habit override the law because of the deep prejudice of the white against social equality with the black. Any effort to enforce these laws would bring serious consequences either North or South, and would no doubt injure the condition and standing of the black man, which can only be improved by a long process of education and growth. It cannot come from passing laws. All sorts of gambling is forbidden by the statutes of the various States. This includes betting and playing cards for money or prizes; it includes raffles even at church fairs. Yet most Americans gamble in some way or other—and are not prosecuted.

The Anti-Trust Act is a notorious example of legislation that is not enforced and cannot be enforced. Only a few prosecutions have ever been brought under it, and even when a prosecution has been successful ample means have been found to accomplish the desired ends in spite of the law. It has never kept Big Business from organizing and combining. It never can or should. Nevertheless, Big Business, through complaisant law officers and courts, has been able to enforce it against organizations of workmen that engage in strikes. This is done in spite of

the fact that it was passed in the interest of workmen and consumers and to control Big Business.

No one who has property believes in the tax laws. No one obeys them or pretends to obey them. When speaking of these laws no one shouts from the housetops the silly doctrine that a law must be enforced because it is on the books. No one even quotes the foolish statement of General Grant that the "best way to repeal a bad law is to enforce it." No doubt Grant was a good soldier, but he was never suspected of being a philosopher or an historian. The way to get rid of a bad law, which means a law obnoxious to large masses of people, is not by trying to keep it alive, but by letting it die a natural death. This is the way that society has always followed in dealing with unjust laws. The tax laws are a part of our civil and criminal codes, yet those who shout the loudest for enforcing Prohibition never pretend to obey them. When a man argues that a law must be enforced so long as it is a law, or that the best way to repeal a bad law is to enforce it, he is talking about some law he wants enforced and not about a law that he believes is tyrannical and unjust.

IV

The laws of the ancient world were modified and repealed in the same manner that is followed in the modern world. In Livy's "History of Rome" is an interesting sketch of the cult of Bacchus, a movement which grew up in obscurity, but about the year 200 B. C. became so strong as to attract the attention of the Roman rulers. Livy says that a Greek of mean condition first introduced it into Etruria. This Greek was "a low operator in sacrifices and a soothsayer." After gathering a small body of disciples about him he proceeded to hold secret meetings and practice nocturnal rites. He soon had large numbers of followers, both men and women. They were accused not only of performing new and forbidden religious ceremonies, but also of drinking,

debauching and practicing all sorts of vices. It was charged that from them proceeded counterfeit seals, false evidence, poisoning, the burning of buildings and secret murders. A member of a noble family joined the sect and this attracted the attention of the rulers. Laws were passed providing for the burning of its temples, the exile and imprisonment of its members, and the execution of its leaders. The government undertook to stamp out the cult in Rome and the provinces, and in the effort to destroy it indulged in the kind of crusade of hatred and violence which everywhere follows a blind and bigoted political or religious frenzy. Thousands of devotees were put to death, many others were thrown into prison, and yet others were driven from Rome. But all of these measures failed to destroy the cult. It survived the most drastic laws. In the face of all opposition it grew and flourished until the general break-up of all the old religions in Rome after the introduction of Christianity.

About the year 20, A. D., Tiberius, Emperor of Rome, issued his edict expelling the Jews. The most drastic measures were taken, involving the destruction of their temples and their religious emblems and their own imprisonment and death. But the Jews stayed in Rome. Twenty years later, under Claudius, they were attacked by the same laws and suffered the same outrageous persecutions and an attempt was again made to drive them from the city. Many of them fled, but the majority stayed. They have remained ever since and are there in large numbers now. They have had to face similar drastic and barbarous laws and persecutions in most European countries, but nearly everywhere the Jewish population has steadily increased.

Nero commenced persecuting Christians in Rome about the year 66. Almost every conceivable form of cruelty was adopted to stamp out their religion. The government sought to destroy Christianity not only because it was hostile to the ancient gods but because it was regarded as treason-

able to the state. Christians were thrown to the wild beasts in the arena, nailed to the cross, and covered with the skins of wild beasts to be torn to pieces and devoured by dogs. In spite of all this they persisted bravely and fanatically, and finally a feeling of compassion for them arose in Rome. The decrees were not repealed, but the persecutions died out. They were revived by Domitian in the year 93. Again, the Christians bravely withstood all the terrible ordeals of persecution until the people grew weary in the attempt to destroy them. For a time they were not molested; then Trajan revived the persecution in the year 112. It ran its course, and then, finally, the Christians were left to pursue their way. After the year 177, they were unmolested for nearly a hundred years. Then, under Decius, the laws still on the books were again invoked, resulting in a persecution more bitter and cruel than ever before. During all this time no law was repealed. Enforcement was simply broken down by the devotion of a sect that had faith in its cause.

About the year 310, under the Emperor Galerius, a final attempt was made to stamp out Christianity from the Empire. Like the others, it was met by the stubborn resistance of a religious organization that had grown strong by persecution, and had rapidly increased in numbers year after year. Galerius soon grew tired of the persecution, declared openly that the law was a failure and could not be enforced, granted clemency to the Christians, and left them free to enjoy and spread their faith. If during all these years, they had believed that the law should be enforced so long as it was on the books, Rome, and probably the rest of the Western world, would not today be Christian, even by profession. The repeated attempts of part of a community to control the beliefs, the conduct and the habits of men who had an instinctive feeling that they were right, and the utter failure of all such attempts, gave birth to the aphorism, "the blood of the martyrs is the seed of the church."

V

It is much easier to pass a new law than to repeal an old one. Legislation which represents special interests or is demanded by organized associations which make a great show of power before law-making bodies is seldom met by strong opposition. The force which demands the law is active and persistent; its insistence leads politicians to believe that a large mass of men is behind it. But when the statute goes into effect it may create serious oppression and violent disorder; it may come into conflict with the desires and prejudices of the majority of the people affected by it. But, once it is on the books, an active minority can easily prevent its repeal. It is only by the steady resistance of the people that it is eventually destroyed.

In spite of the common opinion, this method has always been the ruling one in getting rid of bad laws. It is Nature's way of letting the old die by opposition, neglect and disuse. If it were not in operation *there could be no real progress in the law*. If history were not replete with illustrations, if philosophy did not plainly show that this must be the method of society's growth, it would be easier to understand the people who so glibly argue that, whatever the cruelty or the hardship, the law must be enforced while it is on the books. A law cannot be taken off the books while it is complacently obeyed. Constant protest is the only manner that history offers the common people of having their way in the making and administration of the law.

All this, of course, does not mean that all laws are or should be habitually violated. The larger part of our criminal code represents the ideas of right and wrong of nearly all our people. But the sumptuary laws that regulate individual conduct and custom are never believed in by the great mass of the people. Men, unfortunately, are in the habit of being influenced by aphorisms and catchwords. We continually hear of "Law and Order," as if they always

went together and law came first. As a matter of fact, order is the mother of law, and the law which seriously overturns habits and customs does not promote order, but interferes with it instead. The enforcement of an unpopular law by drastic threats, by increasing penalties, by more cruelty, is not the administration of justice; it is tyranny under the form of law.

James C. Carter, one of the ablest of American lawyers, in a lecture delivered at the Harvard Law School, said:

When a law is made declaring conduct widely practiced and widely regarded as innocent to be a crime, the evil consequences which arise upon attempts to enforce it are apt to be viewed as the consequences of the forbidden practice, and not of the attempt to suppress it; and it is believed that the true method of avoiding or doing away with these consequences is to press the efforts at enforcement with increased energy. But when a mistake has been made, its consequences can not be avoided by a more vigorous persistence in it. . . . An especially pernicious effect is that society becomes divided between the friends and the foes of repressive laws, and the opposing parties become animated with a hostility which prevents united action for purposes considered beneficial by both. Perhaps the worst of all is that the general regard and reverence for laws are impaired, a consequence the mischief of which can scarcely be estimated.

A great part of the misconception about the power of law comes from the assumption that the social group is held together by law. As a matter of fact, the group came into being long before the statutes. It formed itself automatically under the law of the survival of the fittest. The group is always changing in accordance with this natural law. Even statutes and courts are powerless when they stand in its way. To quote again from Mr. Carter:

The popular estimate of the possibilities for good which may be realized through the enactment of law is, in my opinion, greatly exaggerated. Nothing is more attractive to the benevolent vanity of men than the notion that they can effect great improvement in society by the simple process of forbidding all wrong conduct, or conduct which they think is wrong, by law, and of enjoining all good conduct by the same means; as if men could not find out how to live until a book were placed in the hands of every individual, in which the things to be done and those not to be done were clearly set down.

All laws are made, altered and amended in the same way. When a large class does not respect them, but believes them to be tyrannical, unjust or oppressive, they cannot be enforced. It is a popular idea that the majority should rule. But this does not mean that the people should vote on every question affecting human life, and that the majority should then pass penal statutes to make the rest conform. No society can hold together that does not have a broad toleration for minorities. To enforce the obedience of minorities by criminal statute because a mere majority is found to have certain views is tyranny and must result in endless disorder and suffering.

When the advocates of Prohibition urge that all laws must be enforced, they really refer only to the Prohibition laws. They do not refer to the numerous other laws in every State in the Union that have never been enforced. Even the drastic Volstead Act has not prevented and cannot prevent the use of alcoholic beverages. The acreage of grapes has rapidly increased since it was passed and the price gone up with the demand. The government is afraid to interfere with the farmer's cider. The fruit grower is making money. The dandelion is now the national flower. Everyone who wants alcoholic beverages is fast learning how to make them at home. In the old days the housewife's education was not complete unless she had learned how

to brew. She lost the art because it became cheaper to buy beer. She has lost the art of making bread in the same way, for she can now buy bread at the store. But she can learn to make bread again, for she has already learned to brew. It is evident that no law can now be passed to prevent her. Even should Congress pass such a law, it would be impossible to find enough Prohibition agents to enforce it, or to get the taxes to pay them. The folly of the attempt must soon convince even the more intelligent Prohibitionist that all this legislation is both a tragedy and a hoax.

A wise ruler studies the customs and habits of his people and tries to fit laws and institutions to their folkways, knowing perfectly well that any other method will cause violence and evil; he knows that fitting laws to men is like fitting clothes to men. The man comes first and both the laws and the clothes should be fitted to him. Instead of increasing penalties, stimulating cruelty, and redoubling the search for violators, he should take a lesson from Trajan, the Roman Emperor, as shown by his correspondence with Pliny. About the year 112, when the campaign against the Christians was in full sway in the Empire Pliny, who was the governor of a province, wrote to Trajan for instructions as to how to carry on the prosecutions. The Emperor replied: "Do not go out of your way to look for them."

A NOTE ON TIGHTS

BY CARL VAN VECHTEN

POTTERING about recently amidst the odds and ends of an old bookshop, among frayed files of *Snappy Stories* and *Vanity Fair*, boxes of dog-eared, calf-bound volumes, and tables laden with rejected fiction, I stumbled upon a considerable bundle of those photographs which, in a happy period, were given away with packages of Newsboy tobacco. Immediately, I was transported into as alien a mood as a seeker for such an adventure could wish, for a swarm of memories clustered about these trivial pasteboards. They were issued in the early nineties, coeval with the *Yellow Book*, and it was pleasant to recall that while Aubrey Beardsley was outlining with his pen those drawings teeming with refined depravities and Oscar Wilde was inventing epigrams to put in the mouth of the duchess in his new comedy, I was collecting Newsboy photographs, cigarette pictures, birds' eggs, and tobacco tags, and reading Nick Carter and *Golden Days*, at least until my father, who had old-fashioned notions about the kinds of literature suitable for adolescents, put a padlock on the gate of this particular pasture, and led me to browse in what he considered more respectable fields. He did not object to the pictures, but as he did not use tobacco in any form—no more did I at that tender age—the acquisition of a complete set—and my ambition refused to be satisfied with anything less—required considerable energetic ingenuity on my part. Sometimes, leaving a tobacco shop today, when a small boy asks me for my coupons, I remember how I was wont to waylay the outgoing customer to beg him to give me the little card photograph which was in-

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serted in every box of Sweet Caporals. My collection grew to be very large. What has become of it? What has become of the birds' eggs and postage stamps? What of the glittering tobacco tags?

As I idly turned over the newly discovered cardboards, dusty and soiled, but still retaining a faint aroma of the tobacco and fruit shops where once they were offered to each purchaser of a package of Newsboy, I reëncountered many old friends. But greater than the thrill of recognition was the thrill of the revelation that most of the ladies had been photographed in tights. I had forgotten, it would seem, what delight the nineties took in tights; had I been questioned, ten minutes previously, on the historical aspects of the subject, I might easily have replied that tights were sloughed off in the eighties, giving way to the stocking which met the descending skirt at some point very near the ankle.

Almost the first picture I descried was that of the statuesque (a word invariably employed in that epoch to describe those agreeably plump females) Louise Montague, whom some of my readers will recall as Adam Forepaugh's \$25,000 Beauty. The circus impresario throned her on a gilded chariot at the head of his parade. What has become of her? Is she today, perchance, a gentle grandmother or the proprietress of a Greenwich Village tea-room? I examined the photograph closely, that of a shapely lady in a pantomime uniform, with chains of tasselled gold braid falling from her shoulders; chestnut hair, sheltering a sweet face; deep brown eyes: a charming woman, doubtless, but neither an ingénue nor an amazon. It occurred to me to

wonder if Florenz Ziegfeld, with this photograph before him, would engage the original for his *Follies* of 1924. Styles in beauty change but, even supposing that Ziegfeld and Forepaugh were contemporaries, would their tastes be similar? In any case, I doubt if the paragon of 1924 loveliness could be purchased for so few pieces of silver.

I picked up Anne Sutherland, garbed in martial costume, with helmet, velvet armor and trappings, tights fitting close to the full but symmetrical legs, and high boots. She was about to draw her sword, and her expression was as vigilant and dauntless as that of Carpentier in the second round. Anne Sutherland, who now lives such a quiet life in the country, returning to New York occasionally to play the part of a middle-aged adventuress in some melodrama! Memory stood by my side and whispered that Miss Sutherland had begun her career with operatic aspirations: she went, indeed, to Germany to study Brünnhilde. Dreams and circumstances once more came into conflict, however, and it was not long before she found herself playing principal boy in the burlesque companies of E. E. Rice, who will be remembered as the entrepreneur of "Evangeline" and "1492": this was the period of the cigarette pictures. Still later she elected to become an emotional actress and broke china in the third act with great sweeps of elemental passion. An extraordinary career, and it will soon be forgotten, I muttered, unless somebody puts it into a novel, and I fell to musing as to who should do this now that James Huneker was dead.

And so I remained in a sort of reverie until at length the spell was broken by a glimpse of the next card at the top of the pile, a picture of Ida Mulle, a roguish girl, in tights, of course, in the costume of Eros, aiming a bow. She was the leading soubrette of David Henderson's Chicago Opera House during the seasons of his effulgent extravaganzas, the culmination of which was "Ali Baba," with its Ballet of

Jewels and its Monster of the Cavern, which wriggled its undulating belly across the scene until its component parts separated into another ballet, a ballet which I did not see until I had attended three performances, so awed and excited was I by the real waterfall which trickled down the canvas rocks in the background. In "Ali Baba," Ida Mulle played Morgiana. Like Anne Sutherland, she is not forgotten. Only two years or so ago she created a vivid impression as an old Chinese woman in "Mecca."

II

Lottie Gilson . . . scarcely more than a name to me now, but a vaguely disquieting name. I am sure I have seen her. Helen Bertram, a brunette houri, and then two photographs of Corinne, one in tights, ready for the hornpipe, and the other in a Spanish costume, or at least Corinne's notion of a Spanish costume. How much mystery was connected with Corinne and how eagerly her early appearances were awaited in the little Iowa town where I passed my boyhood! For many years she toured the country as a child actress. How old was she then, one wonders? I remember the booklet, issued by her management prior to her approach, in which the dreaded activities of the Gerry Society were exposed. There were pictures of the tiny Corinne, hair flying—in the theatre, singing "A Little Peach in the Orchard Grew," she seemed more mature—in the New York police court at the Society's behest, and after several breath-taking pages of the wild story in prose, the whole was retold in epic verse. This history explained why little Corinne, with her heaven-sent gifts and her diamond-studded mandolin, was never permitted to appear in New York. At first, too young, in the course of time she grew too old to make such appearances.

Sweet Della Fox, with her curl, Della Fox, my first passion, turned up next. At the age of twelve, I loved this young woman. At fifteen, I adored her and, al-

though I never met her, I must have written her many letters. Her photographs are charming even now. Are there, I question myself, dubiously, many soubrettes of the present day whose photographs will age so little? Those before me represented her as Mataya, the Crown Prince of Siam, in "Wang," one in the native costume, or a comic opera perversion of that costume, and the other in the white flannel suit in which she sang, "A Pretty Girl, a Summer's Night." I saw Della Fox for the last time about twelve years ago at Hammerstein's Victoria Theatre of Varieties in New York. She was older and so was I. She sang "A Pretty Girl" again; she still wore the white flannel suit and the little white cap, but the fascination had fled, the lure had vanished. I would have stated here that you cannot revive soubrettes, had I not recently received proof to the contrary in the appearance in the revival of "Erminie" of the rejuvenated Madge Lessing, who must have been a contemporary of Della Fox. After all, perhaps, soubrettes are more successfully revived than comedians.

Again I was aroused from my retrospection by a view of the black-haired, black-eyed Pauline Hall, with the perfect legs, the rounded bust, and the languorous indifference. She it was, indeed, who once contended at a rehearsal of "Erminie"—she sang the title rôle in the initial production—that she was justified in singing the lullaby as if she were half-asleep. "It's a lullaby, isn't it?" she demanded of the stage director. Just before her death she was appearing, ironically, as the forgotten comic opera favorite in "The Gold Diggers," and she had lost little of her calm, placid beauty.

Lillian Russell, quite naturally, was a popular subject with these nicotine photographers. She was given away with tobacco, and a cigar was named after her. Sometimes I wonder if any woman of our epoch is so well-known. Even in Florence, Italy, and Taos, New Mexico, they have heard of her. In the Newsboy series, she

was represented in the Spanish dress of "Giroflé-Girofla" and in the more flamboyant robes of the Queen of the Brilliants. The only picture of her in tights which I recall represented her as the Little Duke, a part with which she was not long identified. In the operas of Lecocq and Offenbach she challenged, not too successfully, inevitable comparison with Judic, Aimée, and Hortense Schneider.

Marie Tempest, adorable, saucy Marie, at the flapper age, was exhibited in tights, in the costume she wore in "The Tyrolienne," with a little bird-cage strapped to her back. Can one apply the word saucy, or its companion epithet, piquant, to any contemporary actress, saving, of course, Miss Tempest herself, who is almost as contemporary now as she was in the nineties? . . . I sought further for her famous photograph in "The Fencing Master," which had been included in my own collection of Newsboy pictures, but instead I found Grace Golden garbed in the habiliments of that opera of Reginald De Koven—Grace Golden, a fiery but epicene Bravo of Venice.

There was a charming picture of a slender, dark-haired creature, toying with an American Beauty Rose . . . and the name, Blanche Walsh. This photograph must have been taken while she was playing with Nat Goodwin in "A Gilded Fool," before she had become the emotional protagonist of "Resurrection" and "The Other Woman." There was another surprise in the picture of Kitty Cheatham, not the coy Kitty of flounces and flowers and curls and embroidered head-dresses and purpled skirts to whom we have grown accustomed of late, but a tousled, tomboy Kitty—Kitty as Audrey in "As You Like It" at Daly's. The next card I lifted showed me Lottie Collins, spreading wide an accordion-plaited skirt, heavy with sou-tache, and about to burst into "Ta-Ra-Ra-Boom-De-Aye," of which "The Young Visitors" in its stage form so pleasantly reminded us, and which, together with "Daisy Bell," "Down Went McGinty,"

"After the Ball," "The Man Who Broke the Bank at Monte Carlo," and "Two Little Girls in Blue," was the popular anthem of the early nineties. It almost, indeed, became the national anthem of England and the donkey boys of Cairo still think that it is. Was Loïe Fuller—*La Loïe*, she was called then—responsible for the very full skirts of the 1890 dancing ladies? Did she introduce the serpentine dance? Unless memory fails, she did. At any rate it is very easy to recall the winking Cissie Fitzgerald and the serene Mabel Love kicking yards and yards of *crêpe de chine* towards the hungry gallery. Today the galleries are empty and toes, accordingly, are pointed down rather than up. As for Lottie Collins, she has left us, aside from the memory of "Ta-Ra-Ra-Boom-De-Aye," her daughter, Jose.

There were photographs of Annie Pixley as a ragged miss of the plains, Paula Edwards, sweet and "girlish withal," Geraldine McCann, a demure drum major in tights, whose tradition was carried on by the incomparable Frankie Bailey at Weber and Fields, and Fanny Ward, also, of course, in tights, posed on a wall, plucking a butterfly from her bare arm—Fanny Ward, who appears to be no older today, at least when she plays flappers in the electrical pictures, than she was thirty years ago. I noted Sadie Kirby, Caroline Miskel, the comely blonde wife of the talented Charles Hoyt, who wrote "A Contented Woman" for her; Fanny Rice, a favorite soubrette of the nineties, whom I saw play Lucy in the all-star revival of "The Rivals" in 1896 or 1897, and Hope Booth, posed against a Doric column, contriving to suggest at the same time something both Greek and Broadway, with the balance a trifle in favor of the latter. A singular group followed: Emma Eames, very regal in a prelatial velvet gown; a head of Sybil Sanderson, retaining all the suavity and distinction of a Venetian goblet, heaped with maple mousse; Francis Wilson in "The Lion Tamer," bourgeoisie Minnie Hauk from Brooklyn as Manon, but look-

ing like Madame Sans-Gêne in the laundry scene; Patti, Bob Ingersoll, Jim Corbett, in his boxing days, and Joe Jefferson. How did they get into this series? Then, more appositely, Marion Manola and Anna Boyd who, I think, graced the very long run of "A Trip to Chinatown," which until recently held the New York record for long runs. Who was Sylvia Gerrish? Who was Agnes Evans, massive and blonde and encased in black tights? In one photograph she is to be observed drinking from a bottle. So much have times changed. Minnie Palmer, Queenie Vassar, Mollie Fuller, Isabelle Urquhart. . . . Fay Templeton, in tights, much thinner, here and there, than in the later Weber and Fields days, but with a figure like that of a pin-guid hour-glass.

III

They look very nice, these ladies in tights, very cosy, very cool, very attractive. Photographs in gowns date sooner. It must also be admitted that tights are more suggestive than the current exhibitions of bare legs, a fashion for which Isadora Duncan must be held responsible, I think. Another advantage a lady in tights boasts over her bare-legged descendant is that the area of exposure is greater. Tights were in vogue for a long period. Platoons of them startled the town in "The Black Crook" and they continued to startle it for a long time thereafter. We may smile, but not too complacently, for we have similar contemporary idiosyncratic inhibitions to the scandal created by Lydia Thompson. But what I like best to remember is the first thought that occurred to me when I discovered the Newsboy photographs, that while Oscar Wilde, Hubert Crackenthorpe, Richard Le Gallienne, Aubrey Beardsley, and the others were shocking naïve London with their paradoxes, frail stories, and naughty drawings, these ladies appear to have been shocking naïve America with their silk-sheathed legs!

Is the explanation of the success of the

current burlesque show to be sought in this, that it perpetuates the tradition of tights? American manhood, I am convinced, has altered very little in the past fifty years. It is still hopelessly naïve. It still betrays a shameless preference for the hour-glass figure. An audience at one of these burlesque shows is childishly leering and sensual. Cigars are fixed tightly between the teeth, while greedy, ingenuous eyes devour the scene and estimate the flesh, but slightly concealed by the fleshings. The ladies in these entertainments

may be overplump, a trifle seer and yellow, but they suggest sex, in a sense that the ladies in our over-refined musical comedies do not. The form is exposed; only the texture differs from the real article. Perhaps it is just this slight subtlety in the matter of texture in which the suggestion lies. However that may be, I am convinced, after long pondering on the subject, that it is not the Jewish comedians, the Irish wags and the saxophone virtuosos who draw the crowds to the burlesque theatres. It is the tights.

AMERICANA

ARIZONA

SINISTER dispatch from the rising Arizona town of Winslow in the El Paso *Fiery Cross*:

On their way back to the Klavern the Klansmen encountered a typical representative of that miserable and undesirable class of individuals so long recognized as a menace to America and its institutions. He was easily recognized as a foreigner by the blank look of ignorance upon his face and the bold effrontery with which he leered into the faces of the passing Klansmen. The fiendish glare in his eyes seemed to reflect, upon his otherwise expressionless countenance, the murderous thoughts in his soul. But he was alone and his kind, as a rule, work only in mobs, for they are cowards at heart.

ARKANSAS

THE Higher Learning at the University of Arkansas, as described in a dispatch from Fayetteville:

Joseph, the lad who wore the coat of fifty-seven varieties of colors, was the world's first life insurance agent, declared L. A. Boli of Wichita, Kansas, vice-president of the National Savings Life Insurance Company, in an address before the insurance class of the University of Arkansas. Joseph, he added, provided during the seven years of plenty for the following seven lean years. The writing of life insurance, the speaker declared, is next in importance to the preaching of the gospel.

DISTRICT OF COLUMBIA

DUTIES of the 100% American, as set forth in a Federal Citizenship Textbook issued by the Department of Labor:

We must respect those above us. It pays. Be loyal to your employer. Don't be fooled by wrong talk. Speak well of your bosses to other workmen.

ILLINOIS

FROM an article by the Hon. Stewart C. McFarland in the *Rotarian*:

Had an Optimist, Co-operative, Exchange, Lions, Kiwanis or a Rotary Club flourished in the days of the Exodus with old Moses as president, the children of Israel would have reached the promised land in forty days instead of forty years. Would not any of these clubs in the days of Sodom and Gomorrah have saved those cities?

INDIANA

FROM a code of ethics for the clients of barber-shops, published by the *Journeyman Barber* of Indianapolis:

Don't fold your arms when you lay down in the chair. It makes a hump on your chest that interferes with the barber.

Don't chew tobacco or gum while getting shaved. It's hard enough to shave some men at any time, but it is almost impossible to properly shave a man whose jaws are working.

After the barber has given you a good, clean shave, don't lick the corners of your mouth to find out if he left a few hairs there.

Always see that your face is clean before getting in the chair for a shave. If your face is black and grimy, ask the barber for a towel and cake of soap, and wash up as soon as you enter the shop. The barber is only too glad to oblige you in this manner, but no barber likes to shave a dirty face.

IOWA

LITERARY preferences of the *Feinschmecker* at the Iowa State College, as reported by the college paper:

"Oh, I always read the *American Magazine*, and then, if I have any time left, the *Literary Digest* or the *Saturday Evening Post* or *Collier's*," the average man on the campus will answer when asked about the magazines he is especially fond of. The *American* is the only one read by practically every man and woman at Ames.

KENTUCKY

HANDBILL circulated in the rising metropolis of Mt. Sterling by a citizen sworn to Service:

! SENSATIONAL !

JUDGE PREWITT IS THOROUGHLY AROUSED OVER THE WAY THINGS ARE DRIFTING IN OUR COMMUNITY.

Bootlegging rampant in county and city, houses of ill-fame spreading over the city, and the city officials winking at it, nothing doing to prevent it. Mayor and police lay around, play cards and won't volunteer as sworn officers to do their duty, neither will they when warrants are placed in their hands. Our Mayor goes merrily on building a house day by day without a permit; our laws are made a farce of. Directly after our Circuit Judge went on the bench he discovered Paris Green in his pasture and cow

lot. You will remember he called a Law and Order Meeting to protect his stock and other's stock. I, W. W. Wilson, and quite a number of others put up checks to the amount of \$100.00 each if necessary to ferret out this damnable outrage. Now, fellow-citizens you are called to do something against known parties in our midst who are not poisoning our stock but our children. Our fathers and mothers, all citizens who love their homes and family will come out tomorrow and hear Judge Prewitt on this, the most damnable curse our city is afflicted with, as the examination of our boys showed in our late war. In the name of God and humanity come out and help save your home and family.

W. W. WILSON.

KANSAS

CONTRIBUTION to sanitary science from the great free republic of Kansas:

The nurses in the Wichita Hospital have been warned that "it does not look professional" to bob their hair. It is added: "and then, it is more or less unsanitary. The girls are conscious of their cut hair, and they are always shaking their heads, or running their fingers through their hair."

MARYLAND

FROM an official report on the industrial situation in Baltimore by the Hon. Thomas Nolan, vice-president of the International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America:

The crafts on the Western Maryland Railroad done everything possible to avoid a strike and had representatives on that system for months in an effort to negotiate a settlement and failed, and the crafts on that system of railroad realizing the rank injustice that had been done them, was compelled to come out on strike to protect their agreement and welfare in the future, came out on strike March, 1922, and are still out—until that industrial kaiser in Baltimore realizes that he is dealing with real men who know what they came out on strike for, and fully intend to remain on strike until victory crowns their efforts, let it be sooner or later, and in connection with that strike I desire to say that the members of Lodge 578 of the International Brotherhood are a bunch of sticklers for what is right and honorable and doing everything possible to make the strike effective and successful, never was looking for trouble, but did everything in their power to prevent trouble on many occasions, and where honest business was at stake—they never was found wanting in joining the majority or coming to the rescue at all times when necessary, and did so in March, 1922, and are still there and will remain there until justice takes her proper place when injustice is dethroned and real union men are recognized as one of the principal factors in operating a railroad as it should be, SUCCESSFULLY.

MASSACHUSETTS

FROM the learned and distinguished Springfield *Republican*:

A firm belief that Calvin Coolidge became President in accordance with a divine plan and that he should be maintained in office in order that the plan may be carried through forms the keynote of Mayor Edwin F. Leonard's campaign. . . . In the mayor's opinion, any attempt to sidetrack Coolidge now would be a deliberate effort to frustrate the plans of Almighty God and would be attended by certain disaster.

MICHIGAN

PROGRESS of the new moral legislation in Michigan, as described in a dispatch from Kalamazoo:

Finding police officials handicapped by the lack of an ordinance giving them regulatory control over ice-cream parlors, City Attorney Marvin Schaberg has drawn up an ordinance providing for the licensing of such places.

MISSOURI

PROGRESS of the scientific spirit and the new jurisprudence in St. Louis, as reported by the eminent *Star*:

A large man industriously rubbing the head of a smaller man at Broadway and Market Street attracted the attention of Detective Sergt. Behnken.

"Do you feel the relief?" asked the large man. The small man announced that he did not, and in addition demanded help, aid and succor. "What is this?" inquired Behnken.

"Very simple," said the large man. "This poor fellow has demons. I am taking them out of him."

"Have you got demons?" asked Behnken.

"I have not," said the small man. "This bird grabbed me as I was walking down the street and began to rub my head."

Behnken settled the matter by giving the demon hunter a swift kick.

NEW MEXICO

WARNING to virgins posted in the Y. W. C. A. at Albuquerque:

Remember that these diseases can be contracted from kissing or dancing with a man who is diseased. . . . Never forget that at least 25 per cent, or one out of every four men whom you know are diseased.

NEVADA

FROM a list of New Thought centres in the estimable *Nautilus*:

Reno, Nevada—Radiance Center of Love; Geo. Miller, sec.; Saturno Hotel.

NEW JERSEY

REVIVAL of medieval measures against heresy among the Fundamentalists of Morristown, as reported by the public prints:

Publications of the Christian Science and Unitarian churches, and those dealing with the teachings of Pastor Russell were burned in an incinerator at the conclusion of a gospel meeting last night, conducted by Charles Winters, evangelist. A group of women stood by the incinerator and sang hymns while "Science and Health," the Christian Science hymnal the *Unitarian Leader*, Forbush's "Life of Christ," and other works were burned.

NEW YORK

News item from the humorous *World*:

An international propaganda was organized yesterday at the Bankers' Club to remind the entire world of the merits of the Golden Rule . . . and the membership of a national Golden Rule Committee was announced. It includes . . . General Leonard Wood. . . .

NORTH CAROLINA

EFFECTS of a Billy Sunday revival on the North Carolina soul, as shown by a mysterious advertisement in the estimable *Charlotte Observer*:

TAKE IT FROM BILLY SUNDAY

if not from your Uncle Ed: High Society, female cigarettes, liquor drinking, rum selling or booze buying, gambling in anything—cards, golf, futures, "modern" views on religion, do not bring happiness *even* here below, and what they do for you hereafter is Hell.

IF CHARLOTTE WOMEN

were as good as they are beautiful and fascinating and alluring we'd have the best city on earth, and Billy wouldn't be here with his Castor Oil and quinine. Men follow women. Listen to me, Mabel: if you women would cut to the heart the ducks that drink and lie and steal and that don't pay their debts when they can, and that are immoral, we'd have something more valuable than "The greatest church-going town in the world."

HOLD ON NOW, MABEL

just keep on your shirt—our women are as good as any other women, better than lots, and our men are not the worst—but calomel is a good medicine.

E. L. KESSLER,
Secretary and Treasurer.

OHIO

PROGRESS of Americanization among the slaves of the Cleveland Babbitts, as reported by the distinguished *Plain Dealer*:

Bill Dillinder, caddy master, has put caddying at the Westwood Country Club on a patriotic basis. A new flagpole recently was erected in front of the clubhouse and each morning at 8 the flag is raised to the top with appropriate ceremonies by the youngsters. Lyman Fowles is captain and raises the flag while bugles are blown by Ferdinand Ransom and Donald Sautter and drums are beaten by Oscar Church and William Guger. After the flag is hoisted all the caddies sing "The Star Spangled Banner," "My Country 'Tis of Thee," or some other patriotic song.

OKLAHOMA

FROM an optimistic sermon by the Rev. W. Clyde Howard, a favorite theologian of Oklahoma City:

Seventy years ago we were a nation of drinkers. Systematic work was begun all over America and the result has been the abolition of the drink evil and its utter overthrow. Please God, it shall never come back!

PENNSYLVANIA

EVIDENCE of the transfer of commercial leadership from Connecticut to the Middle West, as reported by a news dispatch from Harrisburg, Pa.:

Painted fish have been found in Philadelphia sea food markets, John S. McKee, deputy Secretary of Agriculture, declared today. White salmon, dipped in coal-tar dye to give them a reddish tint, were sold as red salmon, Mr. McKee said. The fish were painted in Chicago and shipped to Philadelphia.

FROM the circular of a Harrisburg firm:

SELECT ANY TEN SPEECHES FOR ONLY \$3.00.

The speeches listed below run 1000 words each and are suitable for use at Fraternal Societies, Lodges, Clubs, Debating Classes, Political meetings and Luncheon Clubs. We will sell you any 5 speeches for \$2.00, any 10 speeches for \$3.00, any 15 for \$4.00 or any 20 for \$5.00. What speeches do you want?

Rotary, the Applied Science of Living.

The History, Purpose, Accomplishments and Recent Statistics of the Benevolent and Protective Order of Elks.

Address to be Given before the Grand Lodge of the Knights of Pythias and the Grand Courts of Calanthe.

Speech to be used in Visiting Lodges of the Independent Order of B'rith Abraham.

Address at Reception to the State Commander of the American Legion.

Speech of Newly Elected Senior Warden in Masonic Blue Lodge.

Address at Banquet to Retiring Pastor of Lutheran Church.

The Influence of Highway Transportation upon Religious Life.

Speech at the Presentation of an Automobile to a Pastor.
 Address to be Delivered by the President of a Jewish Sisterhood.
 A Letter of Condolence on the Death of a Member of an Eastern Star Chapter.
 A Short Talk by a New Member when Admitted to the Ladies' Rotary Club.
 Address of Welcome at Second Anniversary of the Daughters of America.
 Address at Banquet of Coal Miners' Club.
 Speech at Complimentary Dinner to Winner of a Golf Championship.
 The Need of More Business for Negroes.

SOUTH CAROLINA

LAMENTABLE doctrinal differences among the total immersionists along the Waccamaw river, as revealed by a letter to the editor of the estimable *Horry Herald*, of Conway:

I beg space in your paper in reply to an article concerning the trouble between Pete McCracken and his wife.

I do not know the author of the article, but it seems that the blame was placed on the Second Baptist church for its influence over Pete's wife. I beg to say that the Second Baptist church has tried to use its influence for good. I also wish to say that Mrs. McCracken has never applied to the Second Baptist church for membership, but did join the First Baptist church of Conway, and the trouble arose because Pete didn't want Mrs. McCracken baptized in the pool of the First Baptist church of Conway, but believed in the example set by Christ who was baptized in the river Jordan,—that she should go to the river.

Yours respectfully,
 ED. G. NORMAN,
 Clerk Second Baptist Church.

TENNESSEE

ECCLESIASTICAL amenities in the Baptist Holy Land, as reported in a press dispatch from Chattanooga:

Cordial relations have been restored between Evangelist Gipsy Smith and the Rev. W. B.

Rutledge, North Chattanooga pastor, who was taken to task Wednesday evening for being asleep at Dr. Smith's revival service. At the noonday meeting yesterday, after Dr. James I. Vance of Nashville had offered prayer, the evangelist said he desired to say a word about the incident of the previous night. He said he did not know the sleeper was a minister and expressed deep regret that he had hurt anybody. "I would rather hurt myself," he said. At this point the Rev. Wm. Rutledge stepped into the pulpit and shook hands with the evangelist, as the choir and audience sang "Praise God From Whom All Blessings Flow."

TEXAS

PERILS of club life in El Paso, as described by the alert *Herald* of that great city:

Her raid on the Elks' Club Sunday night, when she claimed she found her husband and other men playing cards for money, was detailed by Mrs. Hinden Butler to the members of the El Paso Federation of Women's Clubs at its meeting in the Hotel Paso del Norte. Mrs. Butler is the president of the organization and she did not mince words in describing her visit to the club.

"When my daughter and I entered the office of the Elks' Club Sunday night, the room was empty," Mrs. Butler said. "I crossed the billiard room towards the card room, and met Ben Stein, the manager. He greeted me, and told me he would see if he could find Mr. Butler. He started for the card room, but I beat him to it.

"Around a large table there sat 10 or 12 men. They were playing poker. In front of my husband was a pile of money. Several other games were in progress, but I was particularly concerned with the game where money was being used.

"I recognized two of the men playing with Mr. Butler, and my daughter pointed out a third whose name she knew. I am in possession of the names of these men, and I mean to swear out warrants for all four, including my husband."

Rise of moral delicacy among Texas dog-fanciers, as revealed by an advertisement in the El Paso papers:

Legitimate Chihuahua pups for sale cheap.

EL PASO

BY OWEN P. WHITE

As I look back over the few short years that intervene between the reign of Ben Dowell, El Paso's first potentate, and that of Dick Dudley, its present dictator, and compare the paved, pious and stolid city of today with the rough, uncouth and very gay town in which I was born, I cannot refrain from heaving a deep and comprehensive wheeze of regret. Where life was once cheerful, filled with alarms and worth living, it is now flat, decorous and commonplace; where men were once publicly and delightfully naughty and openly bellicose they are now only surreptitiously so; where the leading citizens once wore six-shooters and Winchesterstons they now wear wrist watches and golf sticks, and where—God save the race!—the communal sports, in days past, were wont to drink hard liquor out of the original carboys and to play poker with the North Star as the limit they now absorb coca-cola with a dash of *tequila* in it, and bet on mah jong at a twentieth of a cent a point.

It's pathetic. It really is. And it began in 1873. Before that calamitous year, from time immemorial, all the residents of El Paso, of both sexes, had been in the habit of bathing freely, openly and nakedly, in the sight of God and anybody else who cared to look, in the irrigation ditches that ran hither and yon through the adjacent fields and vineyards. It was a delightfully primitive and intimate custom; one which everybody enjoyed and indulged in without thought of evil or blush of shame. And then, in the year mentioned, suddenly and with no adequate reason, El Paso, with its three combined saloons and gambling

houses, its one hotel, its two stage stations and horse corrals and its three stores, took unto itself the idea that it would some day become a great city, and in anticipation thereof held an election. As was right and proper, Uncle Ben Dowell, whose saloon was the biggest in town, was chosen mayor, and to assist him he was given a board of six aldermen whose secular occupations ran all the way from the unprofitable one of an Episcopal minister out of a job to the lucrative one of a Jewish merchant. Immediately these seven men, newly intrusted with legislative control over the liberties of their fellow citizens, proceeded to commit a deed of imperishable shame by writing in large, flaring letters on page one, in book one, of the Ordinances of the City of El Paso the words "Thou shalt not!" It became a high crime and misdemeanor for any person, male or female, brown or white, married or single, to wade, paddle, dive, duck or swim in the waters of any irrigation ditch within the corporate limits of the city! Civilization had arrived with a bang. The old days were no more.

II

El Paso, in those years, was not much to look at. Mud, mere primitive mud, mixed with straw and baked in the sun, was all that the town was made of, and although all the other settlements along the Rio Grande had their mission churches, it had none, and so there was no belfry on the sky-line to break the monotony of the low, flat-roofed houses.

But the location of the town, even though it was forgotten by the men of

God, made it important in the eyes of certain other men. Standing in the doorway of his saloon and looking to the North and South, Uncle Ben Dowell, in his leisure moments, could allow his gaze to wander along a trail—the oldest in the United States—which wended its adventurous way through the two thousand miles of perils that separated Santa Fé in New Mexico from the City of Mexico down in the old country. And looking in the other direction, to the East and West, he could see the celebrated Butterworth stage route, which meandered along over its sandy and sinuous course clear through from San Antonio to the Pacific Coast. Thus El Paso stood exactly, to the very inch almost, at the cross-roads formed by two great continental trails. It is due to this one unassisted fact that the town owes its origin and also—with humble apologies to those who fancy that it will cease to function as soon as they pass on—its present existence. Over these two great trails came the stages by which El Paso kept in uncertain touch with the rest of the world, and from one of these stages, every now and then, some stranger would descend.

Those were the days when no man in the Southwest asked any other man where he came from or what his business was. El Paso, indeed, had no credentials of her own to exhibit to strangers and so she asked none from them. Any visitor who dropped in was free to go as far as he liked so long as he paid his way, restrained his curiosity, and refrained from entering into an alliance with the private soul-mate of a permanent resident. For those who, either because they were tired of life or because they were ignorant or reckless, disregarded these proprieties there was a cemetery provided. As for the regular residents of the place—and there were only twenty-five or thirty Americans among them, the rest being Mexicans who cultivated the grape to turn it into wine and *aguardiente*—they did practically nothing except watch for dust clouds along the mesa rim, play monte, poker or faro, bet on straight-away horse

races and cock fights, and drink the beverages composed by the Mexicans.

During this period of its life El Paso, under the rule of Ben Dowell, J. F. Crosby, Joseph Magoffin, Sam Schutz, Parson Tays, and James Hague, was hard but it was not vicious. Men lived loose, irregular and immoral lives because they lived natural ones. There were some laws, true enough—those of the State, the nation and God—but inasmuch as none of these authorities kept a representative on hand to enforce them the duty of preserving his life and protecting his property devolved upon each individual. The result was that men were indubitably he; they read each other's eyes and not the Book, and a word was as good as a bond. But Utopias, of course, never last, and an end had to come to this one. Ever since 1859 El Paso had been marked on the map of progress as a railroad centre. Frémont and even the great Baron von Humboldt had forecasted a great future for the little cluster of mud huts. But it was not until 1879 that anything of a definite nature occurred. In that year, suddenly and thrillingly, four great railroad trunk lines—not merely one, but four—began to build feverishly in the direction of Ben Dowell's saloon, and the moment it became generally known that his bar was to become an important junction men of all classes, from all parts of the United States, began to hasten to it. These newcomers, alas, were not like their heroic predecessors. They were of a lesser and ignobler breed. They were border parasites coming in to prey upon the railroad payrolls. At first these men, and the women who were with them, came in slowly, but as the railheads gradually drew nearer and nearer the influx increased, until by the middle of 1880 people were arriving at the rate of hundreds a day. They came in ambulances, in buggies, in wagons, on foot and on horseback; they ate what they could get; they slept any and everywhere; they worked during the day erecting adobe houses to live in and caroused joyously through most of the night. In

short, El Paso had a boom and everybody was happy and hilarious, especially the old-timers who had waited so long.

But their joy was soon mixed with sorrow. Within a few months after the beginning of the rush, and almost a year before the first railroad finally reached the town, the city fathers found that they were up against a new and a hard proposition. The former bad men, the gun-toters of the plains, the Mexican bandits, the Apache Indians and the brown-skinned señoritas who loved for cash were species which they knew how to handle. But when it came to managing the new element in the population, made up principally of crooks who had taken their Ph.D. and LL.D. degrees in the great metropolises of the East, they found themselves stumped. Murders which were unwarranted and unethical, even from the free and easy point of view of the frontier, became too frequent to be tolerated, and petty criminals, a class heretofore unknown to the Southwest, began to operate enormously. Life and property thus became unsafe, and so El Paso once again organized itself for the protection of its honest citizens, and a newly elected council set about looking for a man upon whom to wish the job of city marshal.

The gentleman finally honored with this office was a warlike character by the name of Campbell and, in order that his administration might be made a complete success, he was given an assistant in the person of one Bill Johnson. To the two was intrusted the business of putting the fear of God and a respect for the Constitution into the hearts of El Paso's new and unregenerate citizenry. Meanwhile, the town had begun to grow in size as well as in population. In place of one short street and three saloons it now had two pretentious avenues and between twenty and thirty drinking resorts. In place of being fed at two *chile* joints, the populace ate in style at half a dozen Chinese restaurants. And now it boasted, too, of several new dance halls, with dirt floors, and two variety theatres, one of which, the Coliseum,

owned by the Manning brothers, was the largest in the West.

Over the social activity for which these suddenly acquired municipal improvements furnished a background, Marshal Campbell and his able assistant were supposed to exert a restraining influence. But they never did. On the contrary, under their control the town went from bad to worse, until at the end of a month or two a condition prevailed which made Ben Dowell and Joseph Magoffin and Samuel Schutz, who had been on the border since '59, and who thought they knew something about real wickedness, blush for shame at the contemplation of their own innocence. Campbell struck up an intimate friendship with the Manning brothers and with the proprietors of the other resorts and would arrest none of their patrons, and Johnson stayed drunk all the time; in consequence, the new town lock-up stood untenanted. The new element in the population, in brief, did as it pleased, and since its tastes ran largely to robbery, riot and bloodshed, it soon became apparent to all right-thinking men that something had to be done. Finally the mayor sent for the marshal and demanded a show-down. Campbell replied by declaring that his salary was not large enough to justify him in wasting any more energy on his job than he was already putting into it, but he assured his Honor that an increase in pay would bring about an increase in the number of incarcerations. Whereupon, much to his surprise and disgust and to the chagrin of his friends, he was promptly fired and his badge and baton transferred to his inebriated assistant. Then the whole town, with the new marshal and his former chief in the van of the drinkers, went on a spree. This lasted for about a month and then, as a wind-up, ex-Marshal Campbell and his friends proceeded to carry out a plan they had formed for restoring him to his old dignity. Shorn of detail, this plan was to shoot up the entire town at one great blast and so scare the mayor into hiring Campbell again, and at his own figure.

Accordingly, at two o'clock one morning, when all communal festivities were at their height, when love looked love to eyes that spoke invitation, when the men on the graveyard shift in the gambling halls were ready to take their places, when the bartenders, working hard, were telling the line to form to the right, and when the girls in the variety theatres were most industriously a-hoof, the word was given and hell was let loose. In every saloon, dance-hall and chink restaurant in the town and in both of the variety theatres it was the same. No place was spared. Every light in El Paso went out under a fusillade of shots and in the ensuing darkness, as men cursed and women screamed, all sorts of herculean deviltries were engaged in. Men were assaulted and robbed, girls were pinched and kissed, and many an eminent citizen was sent home on the run with six-shooter bullets kicking up the dust under his heels. Nowhere in the West had the shooting up process ever been carried out with such scientific thoroughness. When it was over the conspirators relighted a few kerosene lamps in the least damaged of the saloons, pulled the bartenders out from their holes, and, soothed by their ministrations, sat around and waited for daylight to arrive, confident that the mayor and all others concerned were by now convinced that Campbell, and Campbell alone, could handle the situation.

But the mayor was made of harder stuff. Next morning, when the six-shooter smoke had cleared away and men were beginning to poke their noses out of the doors of their shacks, he sprung a surprise of his own. Instead of sending for the discharged marshal and reinstating him in office he did something that was entirely unheard of. He sent down to Ysleta, a small settlement thirteen miles away on the Rio Grande, where a camp of Texas rangers was located, and asked that a detachment be sent up to police the town until he could make some arrangement to handle it himself. His call was promptly answered. Capt. J. B. Gillett, than whom no better man

ever stuck foot in a stirrup, came galloping in at the head of his men, and from that time on peace and quiet prevailed. But as the rangers were State officers whose business it was to patrol the frontier and not to do police duty in towns, they were lent to the mayor for the period of the emergency only, and so the council found itself under the necessity of finding a man to fill Campbell's place permanently. He appeared almost at once, and, as it seemed to the harassed burghers, almost providentially. His name was Dallas Stoudenmire. Accompanied by his brother-in-law, Doc Cummings, he came down from New Mexico, called upon the mayor, presented his credentials, asked that he be made custodian of the peace, and was forthwith given the job and told to go to it.

III

Stoudenmire was a German blond, six feet four inches in height, weighing two hundred pounds and carrying two six-shooters. When he was told to go to it, he went. Bill Johnson had never been removed from office officially, even while the rangers were in town, but this trifling omission made no difference to the new head of the *Polizei*. The moment he pinned on his badge of office he called upon Johnson and demanded the keys to the jail. The drunkard, not being acquainted with Stoudenmire, and also, perhaps, still thinking that he had some legal rights, refused to deliver them. Thereupon the giant seized him by the collar, turned him wrong side up, and shook him until the keys dropped from his pocket. For a day or two after this everything was serene. Then, presumably when Stoudenmire was not around to take a hand in the fray, his brother-in-law, Doc Cummings, was killed in a gun fight following an altercation with the Manning brothers. This killing, for which Jim Manning, whose bartender and not he was probably guilty, was tried and acquitted on a plea of self-defense, resulted in an enmity between Stoudenmire and the

Mannings which brought bloody results.

The first trouble, coming within a week, presented itself to the new marshal as a fortuitous opportunity to display his prowess and place himself squarely before the connoisseurs of the town. An unimportant inquest had been held over the carcasses of two Mexicans, found murdered on the outskirts of the town. At its conclusion a quarrel arose between Johnnie Hale, an old resident and a close friend of the Manning brothers, and a man named Gus Krempkau. For the purpose of terminating the argument, and probably desiring to get home for lunch, Hale pulled out his artillery and shot Krempkau dead. Immediately Stoudenmire, who had come up and joined the crowd, went into action. With his first shot he killed a Mexican who looked as if he was about to pull a gun, with his second he sent Johnnie Hale's soul winging to the angels, and then, turning just in time to see ex-Marshal Campbell, who was directly behind him, reach for his weapon, he killed him too.

This spectacular masterpiece at once established his reputation. Three men with three shots, anywhere in the Southwest in those days, constituted an almost perfect score and thereafter, for a few weeks, the marshal was allowed to lead an uneventful and undisturbed life. During these weeks the town was quieter than it had ever been before, and the town lock-up, unused during the Campbell-Johnson administration, nightly sheltered swarms of felons upon whom the hand of the law, as represented by the mighty grip of Dallas Stoudenmire, had been ruthlessly laid. This activity, however, only served to increase the hatred that the sporting element harbored against Stoudenmire. It was bad for business to have men put in jail who still had money in their pockets and were drunk enough to spend it. Therefore, combining the high motive of business expediency with the more archaic one of revenge, the Campbell crowd got together and decided to put Stoudenmire out of the way. For that purpose they made use of the animosity of Bill

Johnson. Bill was filled with fighting whiskey and it was suggested to him that he ought, in common decency, to kill Stoudenmire. Hadn't the marshal treated him like a Mexican when he shook the keys out of his pocket?

Bill, thus plied with persuasions, finally agreed. It was a dark night, a fine one for a murder, and he was given a double-barreled gun loaded with buck shot, and led to a point across the road from Ben Dowell's saloon. At this place, which is now the intersection of the two principal business streets of El Paso, there stood a pile of bricks to be used in the erection of the town's first brick building, and behind it Johnson secreted himself to await his victim. When he went into a ambush Stoudenmire, whose movements were being closely watched, was down at the Acme Saloon, but it was well known that he would soon make his evening round of the town. It was not long before his enemies, a number of whom had hidden themselves across the road from Johnson's hiding place, saw him approaching, and when he was within twenty feet of the brick pile they saw Johnson rise up behind it and fire both barrels of his gun. But either because he was suffering from a severe attack of buck ague or stage fright, or because he was unsteady from too much whiskey, he missed. Then Stoudenmire, drawing his pistol, quickly filled the would-be assassin's body with bullets. The men on the other side of the road now opened fire on him, wounding him in the foot, but, drawing another gun, he charged them head on and quickly put them to flight.

From that day until he resigned from office Stoudenmire held imperial sway over El Paso. He kept order, sometimes by shooting his man, sometimes by merely bringing down his gun upon the offender's head. Unluckily, like most men of his class and time, he had one great fault. He was a copious drinker and, although he could carry an almost incredible cargo without loss of his faculties, there were still times when it would get the better of him and

he would become dangerous even to his friends. Finally, after a year of service during which he wrote his name, principally with blood, upon the imperishable records of El Paso, he was politely asked to resign, and the Captain Gillett already mentioned was appointed to succeed him. Within a few months after his resignation Stoudenmire was killed in a gun fight with two of the Mannings, Jim Manning, as usual, being tried for the murder and acquitted on his regular plea of self-defense.

IV

In 1881, shortly before Stoudenmire resigned, the first railroad reached the town and immediately, over night almost, its entire aspect underwent a second change. Physically the metamorphosis was striking. Before the locomotives puffed their way in there had been only one brick building, no board floors, and according to legend, only two glass windows in the place. Such Babylonish luxuries as mahogany fixtures in the saloons and square pianos in the dance halls were unknown. But within less than a year all of these deficiencies, as well as some others of which the town had been theretofore ignorant, had been supplied. Brick buildings began to take the place of the old adobe ones; ornate bar equipment and costly gambling tables replaced the makeshift devices formerly in use; men who had never before tripped the light fantastic on anything but Mother Earth could now hear the tapping of their own boot heels, and a new element, a peroxided, hand-decorated, female one, recruited in the East and Middle West and shipped in by the carload, came to supplant the brown-skinned, black-eyed, dusky-haired señoritas of the day before. Night life in the town now became more alluring than it had ever been. A wonderful prosperity was about to come to the Southwest, and Vice, knowing that the pickings were going to be easy, garbed itself becomingly for the harvest and assumed an air of affluence. The blonde

women wore beautiful gowns—cut too high and too low, but beautiful none the less; the bartenders discarded their flannel shirts and corduroy pants and began to wear white jackets and thousand-dollar diamonds; and the gambling fraternity blossomed out in all the glory of imported tailor-made garments and kept women.

Behind all this was the constant thought of money. Up to the time when the news that the railroads were on the way had changed a village that was actually admirable for the heroic quality of its badness into a border town whose population was made up largely of abject apostles of vice, nobody had cared very much for cash. Money had been a convenience but not a necessity. A man's social standing had then depended much more upon his capacity for handling his liquor and his ability to shoot straight than upon the number of fifty or hundred dollar bills that he could display to a sordid public. In the pre-railroad days money was not the *summum bonum* of the El Pasoans. But it became so the moment the boom was under way.

In addition to unloading blondes, bar fixtures and building materials, the trains also began to deliver a class of men who came for the purpose of embarking in more or less legitimate business. These newcomers became just as busy as the sports. They set about making the town a good one for trade, as the sporting fraternity had already made it a good one—the best in the Southwest—for entertainment. Thus El Paso soon became the Mecca towards which every honest soul in the Southwest who had his pockets full turned at least once and usually several times a year. The diamond-studded bartenders, the beautifully tailored gamblers and the wonderfully painted ladies extended to the visitors, one and all, an invitation to enjoy themselves. They all came and they all had a good time. The resorts were open twenty-four hours a day, seven days a week. Thus, for more than twenty years, ranch owners, cow-punchers, miners, prospectors, travel-

ing men and merchants from all over Texas, Arizona and New Mexico made an annual pilgrimage to El Paso, ostensibly to transact business, but really to be painlessly relieved of their accumulated wealth.

Men who had entered into legitimate business saw it increase wonderfully; they began to grow rich. Corner lots which had been valueless a short time before made fortunes for old-timers who had held on to them, and showered down a golden harvest upon delegations of realtors from Missouri, and upon a trio from Tennessee who had come in early enough in the game to grab some choice locations. The advance in cattle prices turned former cowpunchers into plutocrats; prospect holes out in Arizona and up in New Mexico transformed their previously poverty-stricken owners into millionaires. Everybody made money, and everybody was happy. El Paso grew; the sporting element continued to prosper; the derby hat and the white collar became tolerated; marriage licenses began to be issued with some degree of regularity; ministers of the gospel made their appearance; church spires pierced the heavens. And then the war was on!

V

For the first few years there was only desultory skirmishing. But in 1894 there began a struggle which soon had most of El Paso's "better" element side-stepping with as much agility as a flea shows in hopping. By better element, of course, I mean that portion of the population which was not engaged directly in operating saloons, gambling houses, dance halls, variety theatres or stews. Naturally, this element was large, but if I were to say, in place of "directly operating," "interested in" or "profiting by," the number, I fear, would be somewhat reduced. In fact, everybody in El Paso, and even the city itself, was deeply involved with the sporting element. For years the revenues derived from licensing gambling houses, dance halls and bawdy houses ran the city, thus relieving

the tax payers of a heavy burden and allowing the pious to contribute heavily to foreign missions and Bible societies. But that was not all. In addition to helping the city fathers with their financial problem El Paso's sports did the business men of the community a more direct service. They made the town highly attractive to all the citizens of the adjacent States, and brought in thousands to buy bolts of calico, picks, shovels and barrels of dill pickles who might have just as well placed their orders in Denver or Los Angeles. These customers came in person, transacted their business during the day, and then at night, as a matter of hospitality, they were shown the town, chaperoned, as a rule, by the merchant or banker or broker with whom they had had their dealings. Of course, the El Paso business men didn't like this duty—in fact, they hated it—but as it was established by custom they performed it uncomplainingly, and, as a matter of additional politeness, went as far as their visiting friends in the way of having a good time.

Thus, during the intensely busy years between 1881 and 1904, when the doors of the "public" gambling houses and dance halls were closed forever, many of the prominent citizens of the town acquired an indirect interest in the operation of the communal dens of iniquity, and were thus unable to lend their whole-hearted support to the closing movement. Their indignation had to be concealed. It was all well enough for a man to agree with his wife when she said to him at the breakfast table: "George, dear, this is a hell of a place to raise children," but it was an entirely different matter when George got down to his office and checked up his books. There he found that if the rent didn't come in from the saloon building that he owned on the corner, he wouldn't be able to come across with that thousand dollar subscription to the new Methodist Church; that if Madame X and her girls didn't pay for the gaudy gowns bought last month he couldn't settle for the simple little things that his own girls, undergoing

a polishing treatment on the Hudson, said that they had to have; that if Old Man Taylor, the gambler, didn't kick in with the agreed price for four corner lots, the wife couldn't, during the coming social season, tilt her head at the right angle.

Altogether, it was a difficult situation for Christian men. It was met by turning it into a political issue. Vice entrenched itself for a siege and the reformers, few at first but strong in spirit, formed for the assault. It was a long and beautiful battle and at the end of ten years the reformers got the decision. After that the blonde heads of the ladies from Utah Street were no longer to be seen in the dress circle at the old Myar Opera House, distracting the attention of the men from the play upon the stage; the whir of the roulette wheel and the rattle of the poker chip no longer called busy merchants from the barroom to the upper floor of the Gem Saloon, and the banging of the piano no more invited the transient cowpuncher and the itinerant prospector into the caressing arms of the frescoed beauties of Louis Vidal's dance hall. These things were gone, gone never to return! What took their place?

They took their own place. That is to say, they took a legal but not a physical departure from the town. El Paso became, externally, very decorous, and the reformers, lay and clerical, proud that vice had been swept away, pulled down their white waistcoats and said in loud tones, "Let us render thanks!" For what? Simply for a coat of whitewash. But El Paso, unluckily, began to advertise its virtue far and wide, and so the rest of the world began to lose interest in the town.

VI

Between the years of 1904 and 1907 it blossomed out into the small metropolis phase of its career and the citizens began, hastily, to change their habits. With as much earnestness as they had before displayed in enjoying themselves in a free and unrestrained manner they set about learning how to live

according to the rules which their wives, who were now taking annual trips back East, brought home and inserted into the family curriculum. Early in the game the leading business men took a great fall upward. Regular fellows, men who had been cowpunchers, had pounded drills, had weighed out *chile* and *frijoles* by the pound to nickel customers, and some even who had driven ice and butcher and grocery wagons and had learned to know the community through its back doors, suddenly found that the possession of virtue made it incumbent upon them to conduct their business from within the confines of private offices. This advance into obscurity made another step imperative. Dignity, like youth, must be served, and there was one other thing, beside writing letters and signing checks, which, according to the system now borrowed from Salt Lake City and Denver, Colo., the financial barons of the town must do away from prying eyes. That was their drinking. Public conviviality had become unseemly and so these men who had for long, long years been in the habit of calling bartenders by their first names and doing most of their business with one foot on the rail got themselves together and began organizing clubs. For the first time the community made acquaintance with the post-prandial orator and with those other highly decorative municipal improvements, the club president, the club director and the club committeeman. Men who, a short fifteen years before, had been content to sit on their heels and roll their own while they conversed freely and openly with the world, now found themselves confined in a close pasture where etiquette demanded that they smoke perfectos at four bits a throw and associate only with other unfortunates whose genealogies, like their own, were beginning to appear in the new issues of the herd books of Dun and Bradstreet. These poor men now shaved daily, boasted of the cold plunge every morning, changed their clothes by the clock, and began to play golf. This was the end.

AMERICAN PORTRAITS

VI. The Advertising Agent

BY ORRICK JOHNS

AN American town must be well down the grade in population and prosperity not to boast at least two or three advertising agents. Albany, Ogden, and Yonkers have them, and so have Kalamazoo, Little Rock, and El Paso. New York, Chicago, Detroit and even Indianapolis swarm with them. Wherever business is up and coming and go-getters rage and roar they spring up as thickly as Y. M. C. A. secretaries in an army camp. Altogether, there are fourteen hundred in the United States, and that total does not include the mere space-traders, landloupers, service-peddlers and other such minnows in the pond. Of the fourteen hundred, only three or four hundred have what is known as recognized agencies, *i. e.*, those that are either members of the national agency organization, or enjoy the credit and recommendation of the newspaper and periodical associations. Practically all of the fourteen hundred, however, are orthodox, honest-to-goodness agents, with elaborate offices, staffs of energetic and talented employés, and arrays of clients ranging from six up into the hundreds.

It follows that competition is keen, that agents meet in deadly conflict in every office building and on every Main Street in the land, and that the sharpest lookout is kept for beginning and potential advertisers. Nothing that can be made by man or wrung from God is beyond the reach and imagination of the gifted advertising man. The most intimate articles of apparel no sooner put up their heads than some dramatic means is found to drag them into the light. Had the late Dr. Steinmetz ever

actually captured thunderbolts, an advertising man, beating a score of his brothers by the thickness of his nose glasses, would have had the good doctor bottling them the next day like California jams and selling them under a spirited label. The bursting of radio upon the multitude, during the late business depression, literally saved the skins of hordes of these adroit gentlemen while others, not so quick to see the chance, were falling by the wayside. Any old thing will do, so long as paid space can be filled with its virtues. A horse liniment may be as highly prized on the books as a double-eight motor car. I knew a man who gained no little estate through two-inch insertions of fish-bait copy year after year. The copy pulled and so did the bait—a combination representing the whole art of advertising, functioning at its best.

To meet the competition that always besets them, the agency-planners and scheme-hounds have gone to the utmost lengths of daring and ingenuity. The simple devices of salesmanship that suffice for ordinary Babbitts are not enough for them. The product they sell is too elusive. Something must be done to stagger and overwhelm the prospective client, and so the truly alert agent surrounds himself with elaborate stage settings. Decorating and furnishing are carried to a high pitch. "Artists" are called in to supply atmosphere, to suggest the mystic imminence of Ideas, and to insinuate the notion of Service. Offices and lounging rooms have a persuasive and Watteau-like ease; there are studiously lighted Studios, with a Rodin or a Sargent or two scattered carelessly

about; and there are conference chambers sparkling with efficiency softened by comfort, and trod by impossibly elegant young men, ready to produce encyclopedic information on the instant in a suavely authoritative manner. All these lures are set to drug and disarm the plain man of the \$4 shoe, the tooth-paste or the bile bean.

The John Websters from the factory regions certainly fall for it. I remember a Creative Service studio of this description whither, as representative of my agency, I was instructed to lead the somewhat starched and angular advertising manager of a provincial chicken-food company. The man's knees trembled so as he entered the holy-of-holies that I half feared he would bolt with the business of his company. But in half an hour he was quite happy and even somewhat too free in his manner. However, this studio was really extraordinary—a sort of palace or cathedral. The average is, of course, far less rococo, and limited, perhaps, to a reflection of sober prosperity and self-respect. Also the humbler methods of witchcraft used by much smaller agencies have often succeeded after the hocus-pocus of the Max Reinhardt stage-setting has failed.

II

There are many notions as to how an agency should be organized, systematized and operated. Some of the structural plans one finds in the text-books are as complicated as the genealogy of the Adams family of Massachusetts. But in their main outlines they are all alike.

The typical organization stems from the junction of two opposite kinds of talent—that for spending money and that for getting it. Nearly every agency begins, at least, with the marriage of a sound business man and what Baudelaire called a “dealer in clouds.” The latter is the true heart of the institution. How they get together and stay together would be a problem for Dr. Jung and his theory of

the harmonic balance between psychological types. At any rate, the doubling takes place, the oil of acquisitiveness is discharged upon the divine fire, and a composite genius is born. That genius descends as a priceless possession upon each and every person then and thereafter a member of that agency. It is distinct from mere *esprit de corps*; it is a positive gift of tongues, an apostolic laying on of hands—and especially does it descend upon the copy department. Other necessary and useful departments there are to every agency, but the copy department is the very hub and centre of its existence, the home of its intellectual protons and electrons, the crucible in which the glittering fabric of dreams is turned into paragraphs, portfolios, and pay dirt.

The copy department is generally the pet of the less sordidly inclined partner. He maintains, even in the largest agencies, a close liaison with its members through their direct head and subsidiary officers—account managers, contact men, and other leggers and go-getters. It is the temporary camping ground of free lance writers out of inspiration, and of reporters out of jobs. It has lately been invaded by numbers of bob-haired graduates of the female academics, who have turned out to be a highly welcome addition—since any advertising man will tell you that he would starve to death if he did not appeal nine times out of ten to the feminine buyer. In times of high tide the copy department is likely to be over-populated; at low tides it is observed to thin out sadly. These conditions have produced a type of transient copy writer, thoroughly trained and of fair-to-middling ability. Like the old-fashioned journeyman printer, he wanders from place to place, and within any three or four years he sees the inside of half a dozen agencies.

But if the casualties are many, the meteoric successes are also numerous. There came to a certain agency a bright young girl of seventeen or eighteen. After having been put to work writing advertise-

ments for women's lingerie and domestic utensils for eight months, she was assigned to write a two-volume book on Will Power and Self Control, which she did in eight weeks, working after office hours. The work met with such a huge demand among ambitious groundlings that she was soon heading an agency of her own. There was also, in another city, a lieutenant of aviation who dropped out of the air force at the end of the war with a collection of medals and a pretty talent for writing safe but fatal love letters. Within sixteen months of his first experience in the business, he was vice-president of a large agency in Detroit, specializing in beauty preparations. The typical copy writer, however, is a college graduate two or three years removed from the elms, with no notion of what to do with himself in life, a hazy taste for English composition, and unlimited enthusiasm. Notwithstanding his greenness, it is to his fresh attack, his natural feeling for new things, new comforts, new pastimes, new luxuries, and his blundering directness, that nine-tenths of the successful advertising campaigns owe their steam.

To such a youth comes the wild alarm of a new account in prospect. Its advent sets every heart a-throbbing and every head a-buzzing. A kind of fanatic fervor pulsates in the air. If the neophyte is lucky enough to be made privy to the matter, he will begin scribbling violently at every leisure moment, and in a day or two he will come forth from his delirium offering numerous slogans, rhymes, headlines, copy leads, and other such inventions, including some sketches such as a boozy hen might make with her feet on a white table cloth. The collection, perhaps, is laughed at and chucked aside, and he takes himself back to his desk disheartened. But then the wise ones get together. The heads call in the vice-presidents, the account managers, the contact men, the chief copy writer, the space buyer and the art manager. Speeches are delivered beginning with "We gotta get this account," and ending

with "We gotta *get* this account." Torrents of bright notions are combed over, classified and discussed. Dictionaries and thesauri are lugged out and searched for synonyms of the exact shading to describe the particular nuances of the product. At last something emerges. It may be no more than six short paragraphs—brilliant, eloquent, irresistible. And what is in them? Maybe only the crisp sentences devised by the cub at the beginning, disguised, added to, and made glorious.

Nevertheless, this first fruit of the office genius is of the highest importance, for it is the Keynote. Now a squad of writers is put to work to express the same thought in twenty-four different ways and three different allowances of space, thus producing what is known as a series, or advertisements enough to last a year. The art department is busy turning out sketches, color schemes, fancy lettered titles, layouts, borders and what not. Printers are hired to set up sample advertisements, just as they are to appear. Then the prospective client is notified, appointments are made—and postponed—and finally on a great day the poor man is waited on by a delegation of his persecutors, a beautiful, fat portfolio is laid on his desk, with his name exquisitely lettered on the cover—and modestly, in much smaller type in a lower corner, is the legend, "Plan Proposed by the Kwaliti Advertising Agency." If the gentleman is induced by these handsome exhibits and tender attention to shell out hundreds of thousands of dollars in the next five years who can blame him? Besides, his yielding may double his profits.

The whale thus harpooned, he and his enterprise are subjected to additional cross-examination, psychoanalysis and palm-reading, and that far-reaching, mysterious activity of agency truth-seekers called a trade investigation is under way. Dealers are interviewed, competitors shadowed, customers button-holed, and the knowledge thus obtained is embalmed in fifty or a hundred pages of terrible technical language. The man for whose sake it has been

gathered is finally persuaded that he understands what it is about, and the campaign assumes a new glow of force and authority. Then at last arrives the moment which is the agent's goal and zenith of achievement. The magic phenomenon of insertion is about to take place. A worried office boy in a taxicab dumps a registered-special package at the railroad station in the nick of time to catch an issue of one of the great family periodicals. At that moment the agent breathes freely for the first time. Insertion in the advertising world means definitive success. At any time earlier the agent is never sure of his big catch. Slip-ups, accidents and failures lurk in ambush at every step of the perilous route, but the deadline of the great periodical is the lifeline of the agent. If he makes it, he can sit on the beach and sun himself, letting the financial department fetch and carry for a while. And if he is lucky enough to hit upon one of the chances which are not unusual in the business he may see his commissions on that one account increase automatically year after year, without the outlay of another penny of capital, or, in fact, the bother of anything more than nominal routine effort. Possibly he will be called on to listen to his client's stories, to play bridge with his client's wife or to go on a drinking bout with his client's sales manager. But his heavy work is done.

So far the whole process has been based upon inspiration, but now a word must be spoken for an exact and unromantic man. He is the space buyer. The space buyer is a man stuffed with figures. He has on his tongue's end an argot consisting of some of the strangest words in the language, including some that are never more than a year or two old. He requires half a dozen expert mathematicians to aid him when his department is at its busiest. He is the gnomic owl of the organization, a mystery to all. He is a master of geography and local character everywhere; he knows the methods newspapers use in cadging subscribers, he prates of millines, line-age,

and preferred position in his sleep. By others in the agency he is looked upon as a plodding fellow, a bumpkin with his eyes continually on long lines of figures, and with too little respect for what the fancier chaps call Quality Buying Power. If he is valued at all, it is merely as a convenience for furnishing grand totals out of which commissions are to be carved. Yet vilified and obscure as he is, I am willing to venture my ears that his judgment has more to do with the success or failure of a client's advertising than the judgment of all the geniuses put together.

III

It may seem to the enlightened reader that the word genius has been used with unwarranted frequency in this article, but it has been used advisedly and without malice, for it is one of the typical expressions of the trade. I know of no profession to which the assumption of the miracle-working qualities and mysterious gifts comes so naturally. On rare occasions one may hear the term genius applied to a surgeon, a movie actress, or a chess player. But scarcely a half hour ever passes at the luncheon table of advertising men that it is not fastened gaily upon some exalted wizard of the guild. Another favorite word with the brotherhood is creative. Such phrases as creative copy, creative ideas, creative service abound in the literature and parlance of the craft. The conviction of divinity in the advertising agent is deep; it does not lie in an adjective but in a whole attitude.

I first became aware of the existence of an advertising genius twelve or thirteen years ago, when from pressing self-interest I desired to ally myself with his destiny. I then knew as much about the inner workings of the business as a bullfrog does about the Holy Trinity. I was directed to one of the reigning Grand Kleagles of the order, and went to see him. Without letter or introduction, I had not the faintest

hope of being admitted to his presence, but I was. A beautiful stenographer with a pompadour graciously inducted me through two absolutely deserted rooms to a third, and there sat the gentleman himself. The appointments would have been unusual even today. The genius eyed me with a benign smile as I stated my wants briefly. He nodded me to a seat and opened his mouth, and for forty minutes he did not close it. He told me, as he would an intimate, the whole story of his heroic career. He described in detail the practices and methods upon which he had founded his great work for humanity. I could understand almost none of this jargon. I feared I might have come to the wrong place. I thought he had surely mistaken my request. I tried to solve the mystery why this marvel, whose time was worth so much to human progress, should talk in confidence for almost an hour to an unknown and timid young man. I solved it at last. He was not talking to me, but to *millions*. His fixed, unfocused eyes looked through me to a world breathlessly listening.

Genius, of course, does not always take such an intensely self-directed form. I once knew a young *betman* of the tribe whose hobby it was to search for new ailments. His scouts would be sent broadcast to find out what ache, disability or malaise among the plain people needed a remedy that year. If they returned and reported that warts were rather common, immediately the name Nixwart was adopted, a campaign was planned, copy was written, and space contracted for. After the whole thing was ready, a patent medicine man with a working plant would be called in and shown the advertising. Within a few months Nixwart ointment, beautifully put up in trim little boxes, would be on its way by the crate to wholesale druggists from Vancouver to Miami. This same fellow used to declare that the single word *amazing* in any headline, it made no difference what, would sell more goods than any other word or combination of words in the English

language. He never wrote a headline without *amazing* in it, and almost always he proved his contention.

I remember again a portly, beaming old gentleman, as canny and successful as the inventor of Nowart, whose delight was to spend a whole afternoon with shears and pastepot, joyfully clipping and pasting up a booklet or other such toy of the trade. Every line of it was in proof and the cuts made and the arrangement had been long ago decided on. It would have meant a job of an hour and a half for any intelligent boy with a few instructions. But not only must the boss do it himself; he could not do it without an audience. So he called in his first, second and third equerries, together with a pretty girl or two to take down his jokes, and the work went on while the assembled ministry sat idle and bored. Booklets were a peculiar mania with this merry old soul. His habit when a new one was wanted was to shout loudly through the copy room four times a day that "this booklet must be something absolutely *original*." Accordingly an avalanche of novel and even astounding suggestions poured in. Some were praised, a few were apologetically set aside, and finally one was chosen amid universal applause. It disappeared into the maestro's desk, ready to go forward. Thirty years before he himself had made a booklet that was pretty good. In private he would mull over the idea of the new booklet and compare it to his own child, musty with age. At length the new booklet, which had to be absolutely *original*, appeared. It was an exact replica, with a few words and pictures necessarily changed, of the ancient relic! Such, indeed, was every booklet ever put out by that agency, regardless of whether it advertised a cathartic or a Maine canoe!

Of the advertisements produced by these geniuses I need not speak. They are too well known to everybody. They are spread upon billions of printed pages and thousands of street corners in our free commonwealths, there to be made the subject of

gladsome and valuable cogitation by him who will. The principles underlying them never change, their forms remain in essence the same, howsoever illustrators may be paid like operatic stars, and fresh eager brains may be enlisted every year to newly begaud and bedizen them and make them something different.

And their magic is eternal. Those who love them would be loath to see them disappear. Who wouldn't miss the story on the back page of the Sunday Magazine Section about the poor mechanic, who by means of a little book larnin' after office hours, became in a few months the owner of a fertilizer plant? Who would part willingly with the seductive picture of the lady before and after reducing, or with the gorgeous double spread showing two square feet of lovely suburban color picture, with fifty words of fourteen point type placed in exactly the proper "unsymmetrical balance" on the right hand page, and the dazzlingly inspired headline of a single word, "Security?"

But the layman cannot know the agony of countless revisions, alterations, erasures and improvements through which that double page passed on its way to his study table, nor how the fifty words were written and rewritten by six experts, and changed ten times in the printed proof, nor how "Safety," "Dependability," "Strength," "Honesty," "Durability," were every one discarded, in the order given, to make way for the sublime final choice, "Security." Above all, he cannot

know the storm bubbling and roaring at this moment in the breast of the manufacturer who is also reading those fifty words. In spite of all the care lavished upon them, he has just discovered a *double entendre* in the phrasing which will make his product the laughing stock of the two million readers of the periodical. He is darting to the telephone to call up the president of the agency by long distance at his Summer home on Cape Cod and to give him seventy kinds of blue hell about it. But the aforesaid president, of course, will worm out of the scrape, and go on with his golf and yachting. He will *not* tell the irate manufacturer the facts, which are that out of the two million circulation only twenty thousand readers glanced at his advertisement, and that of that number only twenty-two noticed the *double entendre*. These, in fact, were all jobless copy writers, none of whom owned a house, and none of whom could have afforded, even if they owned one, to reroof it with fire-proof, non-collapsible, undisintegrating shingles. . . .

Is it true that the advertising agent is riddled with chicanery and sunk in sin? His plea in justification is that if you have an honestly good article you cannot say too much for it. Does he sometimes indulge in myopic exaggeration, equivocal generalities, and meaningless blather—in short, hot air? Then so also do statesmen, school teachers, doctors of philosophy, Chautauqua orators, cinema stars, after-dinner speakers, and presidents of Chambers of Commerce.

CLINICAL NOTES

BY H. L. MENCKEN AND GEORGE JEAN NATHAN

Virtue and Sin.—When ultimately they get down the big white and black ledgers on the Day of Judgment and begin checking up the accounts of mortal man, I have a feeling that it will be the Devil and not St. Peter who will get the Pulitzer prize. Virtue is going to have a tough job proving its realistic superiority to sin. For every person who was made happy on earth by virtue, the Devil will have no difficulty in calling off the names of twenty who were made thrice as happy by moral obliquity. When St. Peter calls off the name of some sweet-faced *religieuse* who gave her life and all her world to God, the Devil will let out a horse-laugh and name the dozen dazzling mistresses to the great kings of France. When St. Peter calls off the name of some pious brother who slaved for the spiritual welfare of his people, the Devil will take another chew of tobacco and name nine-tenths of the poets who have sung the music of the world since first the world began. And when both are finished there will be drawn up, on the one side and on the other, two lines. Behind St. Peter there will be a line of pale, beautiful, sad men and women, their eyes ennobled with tears, their tired feet made ready to climb the reward of holy and golden stairs. Behind the Devil there will be a longer line, a line of women with necklaces of pearls and rubies and of men with brilliant red noses, their faces tired from laughter but laughing still in the richness of their memories, waiting for the Pullman to hell.

Utopia No. 7,368.—Four years have now passed since the Nineteenth Amendment to the Constitution was proclaimed by the

Secretary of State, and the net result is that—well, the net result is that the learned and eminent Secretary might have quite as well spent the day playing Mah Jong. Of all the great boons and reforms that were to have followed the extension of the suffrage to the gals exactly none is now visible. Our laws are not more sagacious than they were before the day of days; they are more idiotic. And our job-holders are not more honest but more vicious. At the first election at which the women of America could vote the vast majority of them voted for the late Harding, the most incompetent donkey ever seen in the White House since the dull days between the Jackson dynasty and the Civil War. Now the majority of them are preparing to vote for Coolidge, perhaps the only public man in the whole stretch of this imperial land of whom it may be said with any plausibility that he is actually worse than Harding.

It is provocative of a low, sub-acute mirth, with hiccoughs of sadness in the bass clef, to turn back today to the campaign literature of the old-time suffragettes, now converted into lady job-seekers. What they promised us, indeed! A new Golden Age, it appeared, was at its dawn. Nemesis at last confronted the politicians. Once the girls had the ballot there would be an end forever to corruption. Legislatures, shivering under the green glitter of female eyes, so sanitary and salubrious in their effects at the domestic hearth, would turn from jobs and trades to the Public Good; the executive arm would shrink from evil and exert itself in good works; even the judiciary would become comparatively decent. Many concrete boons were defi-

nately promised: an end of child labor, of adultery, of booze, of high infant mortality, of the cigarette, of war. Politics, we were assured, would instantly take on a nobler and loftier tone, and so approach the dignity of rhythmic dancing, college professing and chiropractic. It would be no longer possible for cave men with blue jaws to meet behind the door and hatch iniquity. Congress would empty into the penitentiaries, and the penitentiaries would empty into the Sunday-schools.

Now behold the event. The vast majority of women, having voted a few times, resign the privilege in disgust, and return to their immemorial snaring of men. The rest—mainly the old-time suffragettes—divide themselves into two classes. Those of the first class succumb to the Liberals, follow them into all the flatulent third parties that recurrently bob up, and bruise the welkin with vain demands for an endless series of nonsensical reforms. Those of the second class join the two old parties, accept their swinishness joyously, and sweat and struggle like the men for jobs. This is the net result, so far, of the extension of the suffrage to women. This is the Utopia that dawned on August 26, 1920.

Criticism in Chicago.—It has been my observation for some time now that the literary and dramatic critics of Chicago are less concerned with proving the merits of this or that particular specimen of literature or drama than with employing it to prove that Chicago is superior to New York.

Metaphysica Americana.—The most certain way in which to impress, persuade and convince the American public about the virtue of anything, from a war to a pill, is, first, to devise a catchy slogan and, secondly, to make sure that it has in it only a minimum of accuracy. The invention of the catch-phrase, "To Make the World Safe for Democracy," was a masterpiece of boob-fetching, and a not less masterful instance of technic was that dis-

played by the late Creel Press Bureau when it enlisted the services of a number of experienced writers of popular fiction to employ their art to make the public swallow the slogan, and the war, whole. Castoria is an excellent cathartic, one of the best there is, but who ever actually heard a child cry for it? Yet the slogan has moved the public quite as effectively as the philtre itself. The public believes that children bawl for Castoria and are completely blue and miserable unless it is given to them. In the same way, slogans have persuaded the public to believe, at least to a degree, that a certain express train goes as fast as a cannon ball, that one's father (or dad, as he is affectionately known) smokes just one brand of tobacco, that all housewives eventually come to use a certain brand of baking flour, that a certain western city's fame was gained entirely by a beer that was brewed there, that Wilson whiskey was the best on the market and that's all there was to it, that life, liberty and the pursuit of happiness are vouchsafed equally to all citizens of the Republic, that a certain circus, which has been practically the same for the last decade, is bigger and better every successive year, that a dog can recognize his master's voice only if it is recorded on a certain phonograph, that if a pocket camera doesn't bear a specific name it isn't a pocket camera, that, before Prohibition, all members of fashionable clubs drank certain ready-made, bottled cocktails, and a thousand other such things. The American public thinks in terms of catch-phrases. It remembers the Maine, says it with flowers, and needs no stropping or honing to sharpen its gullibility.

Marriage.—Women begin to think of marriage on the day that they first feel old; men on the day that they first think old. The thought of marriage enters a woman's head when the past and all its gay and crowded uncertainties seem about to slip from hands that may no longer grasp and toy with them; the thought of

marriage enters a man's head when the future and all its grim and lonely uncertainties seem about to slip from hands that, save they grasp them now, may never have the opportunity to convert them into peace and comfort and certainty.

Heroes.—Of human eminence there are obviously two varieties: that which issues out of the inner substance of the eminent individual and that which comes to him, either partly or wholly, from without. It is not difficult to recognize men at the two extremes. No sane person would argue seriously that the eminence of such a man, say, as Richard Wagner, was in any plausible sense accidental or unearned. Wagner created "*Tristan und Isolde*" out of his own inherent substance. Allowing everything for the chances of his education and environment, the massive fact remains that no other man of the same general education and environment has ever created anything comparable to it. Wagner deserved the eminence that came to him quite as certainly as the Lord God Jehovah deserves that which attaches to Him. He got it by differing sharply from other men, and enormously for the better, and by laboring colossally and incessantly to make that difference visible. At the other extreme lies such a fellow, say, as young John D. Rockefeller. He is, by all ordinary standards, an eminent man. When he says anything the newspapers report it in full. If he fell ill of gallstones tomorrow, or eloped with a lady Ph.D., or fell off the roof of his house, or was taken in a rum raid, the news would be telegraphed to all parts of the earth and at least a billion human beings would show some interest in it. And if he went to Washington and pulled the White House bell he would be let in infallibly, even if the Heir of Lincoln had to quit a bridge whist game or a saxophone lesson to see him. But it must be obvious that young John's eminence, such as it is, is almost purely fortuitous and unearned. He is attended to simply because he happens to be the son of old John, and

hence heir to a large fortune. So far as the records show, he has never said anything in his life that was beyond the talents of a Rotary Club orator or a newspaper editorial writer, or done anything that would have strained an intelligent bookkeeper. He is, to all intents and purposes, a vacuum, and yet he is known to more people, and especially to more people of means, than Wagner, and admired and envied vastly more by all classes.

Between Wagner and young John there are infinite gradations, and sometimes it is a hard matter to distinguish between them. To most Americans, I daresay, such a man as Harding or Coolidge appears to enjoy an eminence that is not only more gaudy but also more solid than that of, say, Einstein or Anatole France. When Einstein visited the United States, a year or two ago, he was taken to see Harding as a sort of treat, and many worthy patriots, no doubt, regarded it as somewhat too rich for him, an enemy alien and a Jew. If Anatole France came here tomorrow, his publisher would undoubtedly try to get an invitation to the White House for him, not merely to advertise his books but also to honor the man. Yet it must be plain that the eminence of Coolidge, however vastly it may be whooped up in the heat of the campaign by the Hon. Henry Cabot Lodge, LL.D., is greatly inferior to that of either Einstein or France. These men owe whatever fame they have to actual accomplishments. There is no doubt whatever that what they have is wholly theirs. They owe nothing to anyone, and no conceivable series of accidents could have made them what they are. If superiority exists among men, then they are indubitably superior. But is there any sign of superiority in Coolidge? I can find none. His eminence is due entirely to two things: first, a series of accidents, and secondly, the possession of qualities that, in themselves, do not mark a superior man, but an inferior. He is a cheap, sordid and grasping politician, a seeker of jobs all his life, willing to do almost anything imaginable to get

them. He has never said a word worth hearing, or done a thing requiring genius, or even ordinary skill. Put into his place and given the opportunities that have risen before him in a long succession, any other ninth-rate lawyer in the land could have got as far as he has got.

Now for my point. It is, in brief, that the public estimation of eminence runs almost in inverse ratio to its genuineness. That is to say, the sort of eminence that the mob esteems most highly is precisely the sort that has least grounding in solid worth and honest accomplishment. And the reason therefor is not far to seek. The kind of eminence that it admires is simply the kind that it can understand—the kind that it can aspire to. The very puerility of a Coolidge, in fact, is one of the principal causes of the admiration he excites. What he has done in the world is within the capacities, given luck enough, of any John Smith. His merits, such as they are, are almost universal, and hence perfectly comprehensible. But what a Wagner or an Einstein does is wholly beyond the understanding of an ordinary ignoramus, and so it is impossible for the ignoramus to admire it. Worse, it tends to arouse his suspicion, and hence his animosity. He is not merely indifferent to the merits of a Wagner; he will, if any attempt is made to force them upon his attention, challenge them sharply. What he admires fundamentally, in other words, is himself, and in a Coolidge, a Harding, a United States Senator, a baseball pitcher, a movie star, an archbishop or a bank president he can see himself. He can see himself, too, though perhaps more dimly, in a Dewey, a Pershing, a Rockefeller or a Jack Dempsey. But he can no more see himself in a Wagner or an Einstein than he can see himself on the throne of the Romanoffs, and so he suspects and dislikes such men, as he suspects and dislikes the Romanoffs.

Unluckily, it is one thing to denounce his stupidity, and quite another thing to escape its consequences. The history of mankind is peopled chiefly, not with the

genuinely great men of the race, but with the flashy and hollow fellows who appealed to the mob. Every American remembers vividly the contribution that Theodore Roosevelt made to the building of the Panama Canal—a contribution that might have been made by any other American thrown fortuitously into his place, assuming only that the substitute shared his normal American lack of a sense of honor. But who remembers the name of the man who actually designed the canal? I turn to the new International Encyclopedia and find nine whole pages about the great waterway, with many drawings. There is eloquent mention of Col. Goethals—who simply carried out the designer's plans. There is mention, too, of Col. Gorgas—whose sanitary work was an elemental application of other men's ideas. There is space for Roosevelt, and his blackjacking of Colombia. But so far as I can find, the name of the designer is not there. The mob did not admire him, and so history has already forgotten him.

Autobiographical Note.—I am not what is generally known as the popular type of man. That is, I am not the sort of man who is liked by the majority of persons with whom I come into contact. I have a number of very good friends, among both men and women; but, aside from these, the general run of people whose paths cross my own are of as little personal interest to me as I am, assuredly, to them. I am not interesting to these persons because I prefer their disinterest, and am at no pains to conceal it. I know and always feel that it would be the simplest thing in the world to provoke their interest, at least to a degree—a technic grantedly not occult—but I am not able to persuade myself that their interest in me, the one way or the other, is worth concerning myself with. If I like a person, he or she knows it; I show my interest at once. If I don't care for a person, he or she knows it just as quickly; the lack of interest on my part is at once obvious.

All this makes for unpopularity. To be popular, one must show interest in persons and things that do not interest one and simultaneously conceal the interest that one has in persons and things that do interest one. One must always side with the prejudices and emotions of the person one happens to be with, however idiotic. One must laugh when one doesn't feel like it; be quiet when one would be gay. One must tell old women one loves them, and young women one doesn't. One must be humorous but never witty, interested but never enthusiastic, complacently bored but never tired. When one is with one's intellectual inferiors, one must agreeably reduce one's self not to the level of these others, but below that level, that they may have the comfortable feeling of being at complete conversational ease. One must be privy to the trick of flattering another person's vanity by contradicting what he says and then allowing him to convince one that he is right. One must pretend to take lightly what one feels about most profoundly. One may be original in manner, but never in thought.

I am able to negotiate all these things, but I decline to do so. Among the many millions of persons in this fair land, there are not more than a dozen at the very outside, who, known to me personally, interest me personally in the slightest. The rest, so far as I am concerned, can go chase themselves.

Alcohol and Its Effects.—The emotional effects of alcoholic liquor upon the human nerve centres and psyche are generally, it seems to me, misjudged and misstated. For example, it is maintained that the drinking of alcoholic beverages induces in the drinker a pervading spirit of democracy—that love for one's fellow man and a genial desire to embrace him with both arms and hail him as brother are the distinguishing phenomena of alcoholic indulgence. This is surely not the case. For one man upon whom alcohol exercises this effect, there are fifty in whom drinking inculcates not

a democratic, but an aloof and aristocratic, mood. The general effect of alcohol, indeed, is to invest the indulger with a superior air, to make him feel stronger, wiser and more important than he felt before and than he actually is, to create in him a sense of vast personal grandeur. This accounts for the frequency of arguments and fights on the part of the partaker. If he were made to feel democratic by alcohol, there would be no such arguments and fisticuffs. Made rather to feel the monarch of all he surveys, he resents the intrusions of lowlier and more sober men, and quickly shows that resentment. Geniality and democracy may lie at the bottom of the first, and sometimes the second, glass, but in the bottom of every glass beyond lies the mood aristocratic.

Another fallacy has to do with the effect of liquor upon women. It is maintained, particularly by fearful old maid school-teachers in the corn, alfalfa and *New Republic* belts, that a partaking of schnapps weakens a woman's morals and places her in a condition where she is unable, mentally and physically, to resist the advances of the predacious male. If this is true, no predacious male has ever noticed it. Instead of weakening a woman's moral defenses, alcohol strengthens them. Alcohol lowers a man's morals and raises a woman's. It places her doubly on guard, intensifies her alertness, takes from the man and gives over to her the reins of leadership and superiority in the personal equation. Whenever you see a Lothario with a black eye, it is a pretty safe assumption that he has got it from some mildly stewed but decidedly wide-awake damsel.

There are many other such discrepancies in the contemplation of the alcoholic problem. I shall go into them fully in my forthcoming lectures over the Y. M. C. A. circuit.

Democracy in Practice.—In the face of the colossal failure of the initiative, the referendum and the recall in the West, where, only ten years ago, they were hymned with

hosannahs as the long-sought sure cures for all the political sorrows of man, it seems astonishing that there should still be men who believe, as the phrase has it, in giving the people more power. Yet there are plenty of Liberals who believe in it, and, what is more, who advocate it eloquently. The people, it appears, are virtuous, whereas their representatives are always crooked. The people are wise; their representatives are unmitigated asses. The two latter clauses, to be sure, are disputed by no one, but what reason is there for crediting the two former? None that I can see. The truth is that the people, taking one with another, are probably even less virtuous than their representatives, and even less sagacious. And the truth is, equally, that if they attempted to make all laws directly and to execute them directly they would still be in the hands of demagogues and scoundrels, as they are now—that in order to function at all they would have to function mainly through delegates and leaders.

The New England town-meeting is often offered as an example of perfect democracy in action, but even putting aside the objection that it was small and compact and that it thus offers no workable precedent for large and heterogeneous modern states, the fact must be evident to every student of history that its members did not actually formulate *en masse* the measures that they adopted. The notion that they did is quite as absurd as the parallel notion, long held by romantic and unintelligent philologists, that the popular ballads surviving from the Middle Ages were actually composed by the folk. The ballads, in point of fact, were all written by concrete poets, most of them professionals attached to the courts; the folk simply acted as referees, choosing those that should survive. In precisely the same way the New England town-meeting was led and dominated by a few men of unusual initiative and determination, some of them, perhaps, genuinely superior, but others simply mob-orators with loud voices and hollow heads. The citizens in general heard the discussion

of rival ideas, and decided between them by ballot, but there is no evidence that all the relevant facts were always before them, or that appeals to their reason always, or even commonly, prevailed over appeals to their mere prejudice, credulity and emotion. Some of the most absurd decisions ever come to by mortal men were made by New England town-meetings—even Congress, in our own day, has not surpassed their imbecility—and yet the leaders who advocated them were universally respected by their contemporaries, and are still venerated, indeed, as salient and ineffable blossoms of the Puritan *Kultur*.

The difference between direct government and representative government, I believe, is greatly exaggerated. The primary defects of the latter are also implicit in the former. Both must employ agents for the execution of their decisions, and both encounter the difficulty that a competent agent is very apt to have ideas of his own, and that his very position gives him a power of influencing the electors that is far above that of an ordinary citizen. Worse, both run aground upon the fact that the majority of citizens, no matter how assiduously they are instructed, remain congenitally incapable of grasping some of the principal matters before them, and that their decisions are thus apt to be haphazard and unintelligible. Why did the voters of the United States turn against the late Woodrow, after venerating him as the Thirteenth Apostle for three years? No one knows to this day. Why have they faith today in so transparent and puerile a mountebank as the Hon. Mr. Coolidge? Why are they so easily stampeded by such hollow frauds as Bryan, Roosevelt and Ford? The citizens gathered in a New England town-meeting were just as lacking in sense. All of them were diligent amateurs of theology, and hence fully competent, theoretically, to decide all theological questions for themselves; nevertheless, history shows that they were constantly under the hooves of theological virtuosi, most of them with private axes to grind.

THE MERCY OF GOD

BY THEODORE DREISER

Once one of his disciples, walking with him in the garden, said: "Master, how may I know the Infinite, the Good, and attain to union with it, as thou hast?" And he replied: "By desiring it utterly, with all thy heart and with all thy mind." And the disciple replied: "But that I do." "No, not utterly," replied the Master, "or thou wouldst not now be asking how thou mayst attain to union with it. But come with me," he added, "and I will show thee." And he led the way to a stream, and into the water, and there, by reason of his greater strength, he seized upon his disciple and immersed him completely, so that presently he could not breathe. And the disciple struggled fiercely, but the Master's strength was proof against all his efforts. But when the strength of the disciple began to wane and he would have drowned, the Master drew him forth and stretched him upon the bank and restored him. And when he was sufficiently restored, he exclaimed: "But, Master, why didst thou submerge me in the stream and hold me there until I was like to die?" And the Master replied: "Didst thou not say that above all things thou desirest union with the Infinite?" "Yea, true; but in life, not death." "That I know," answered the Master. "But now tell me: When thou wast thus held in the water what was it that thou didst most desire?" "To be restored to air, to life." "And how much didst thou desire it?" "As thou sawest—with all my strength and with all my mind." "Verily. Then when in life thou desirest union with the All-Good, the Infinite, as passionately as thou didst life, it will come. Thou wilt know it then, and not before."

—KESHUB CHUNDER SEN.

A FRIEND of mine, a neurologist and interpreter of Freud, and myself were met one night to discuss a much-talked-of book of his, a volume of clinical studies of various obsessions, perversions and inhibitions. My friend had filled responsible positions in hospitals and asylums, and later, as a professor of these matters, had occupied a chair in one of our principal universities. He was kindly, thoughtful, and intensely curious as to the

workings of this formula we call life, but without lending himself to any—at least, very few—hard and fast dogmas. Life appeared to interest but never to discourage him. He really liked it. Pain, he said, he always accepted as an incentive, an urge to life. Strife he liked because it hardened all to strength. And he believed in action as the antidote to too much thought, the way of brooding and sorrow. Youth passes, strength passes, life passes; but action makes it all bearable. Also, he wanted more labor, not less, for humanity, more toil, not less, more exertion. And he insisted that through life, not round or outside it, lay the way to happiness, if there was a way.

He was always saying of me that I had a touch of the Hindu in me, the Far East, the Brahmin. I emphasized indifference to life—or, if not that, I quarreled too much with pain and unhappiness and did not feel strongly enough the need of action. I was forever saying that the strain was too great, that there had best be less of action, less of pain. . . . As to the need of less pain, I agreed, but never to the need of less action; in verification of which I pointed to my own life, the changes I had deliberately courted, the various activities I had entered upon, the results I had sought for. He was not to be routed from his contention entirely, nor I from mine.

Following this, we fell to discussing a third man whom we both admired, an eminent physiologist, then connected with one of the great experimental laboratories, who had made many discoveries in connection with the associative faculty of the brain and the mechanics of associative

memory. This man was a mechanist of the most convinced type. To him there was nowhere in nature any serene and directive force which brought about the marvels of structure and form and movement that so arrest and startle our intelligence at every turn. To him, the beauty of nature and the order of living were accidents, and not even necessary ones. If you would believe him, the greatest human beings that ever lived and the most perfect states of society that ever were had no more significance in nature than the lowest infusoria. One would have thought, as I said to my friend, that such a conviction would be dulling and destructive to initiative and force, and I asked him why he thought it had not operated to blunt and destroy this very great man.

"For the very reasons I am always emphasizing," he replied. "Pain, necessity, life has stung him into action and thought, and hence into success. He is the person he is by reason of action."

"But," I argued, "his philosophy makes him account it all as worthless, or, if not that, as so fleeting and unstable as to make it scarcely worth the doing, even though he does it. Happiness and tribulation, glory and obscurity, are all accidents to him. Science, industry and politics, like races and planets, are accidents. Trivial causes make great characters like himself inactive, and mediocre ones are occasionally permitted to execute great deeds by the chance that should have produced a master. Circumstances are stronger than personalities, and the impotence of individuals is the tragedy of every-day life."

"Quite so," agreed my friend, "and there are times when I am inclined to agree with him, but at most times I am not. I used to keep hanging in one of my offices, printed and framed, that famous quotation from Ecclesiastes: 'I returned, and saw under the sun that the race is not to the swift, nor the battle to the strong, neither yet bread to the wise, nor yet favor to men of skill; but time and chance happeneth to them all.' But I took it down because I have

come to believe that there is something else in nature, some impulse not yet understood, which seeks to arrange and balance things. I know that sounds vainly cheerful, and that many people will disagree—you, for one—but I have encountered things in my work that have caused me to feel that nature isn't altogether hard or cruel or careless, even though accidents happen. I don't believe in absolute good or absolute evil, of course, but I do believe in relative good and relative evil. Our friend, on the contrary, sees it all as blind chance; something that I can't reason myself into. I think there is something that helps life along, or out of its difficulties. I know that you won't agree with me; still, I believe it, and while I don't think there is any direct and immediate response such as the Christian Scientists and the New Thinkers would have us believe in, I know there is a response at times, or at least I think there is, and I think I can prove it."

II

He then went on to talk of medicine and surgery and all the new mechanical aids to life and of the new ameliorative laws, such as those relating to child labor, workmen's compensation, hours of work, safety devices and the like. He called these things specific proofs of what he was saying. He said they showed a desire on the part of nature, working through man, to make life easier for all of us. He recalled the Reformation, and how it had ended the iniquities of the Inquisition; and the rise of Christianity, and how it had ameliorated the brutalities of paganism. The automobile, he went on, had already practically eliminated the long sufferings of the horse; our Civil War and humane opposition in other countries had once and for all time put an end to human slavery; also, he recalled how anesthesia had eliminated the extreme agonies of pain. Humane laws, he said, were being constantly passed to better if not entirely cure inhuman conditions, and so on and so forth.

I confess I was interested, if not convinced. In spite of life itself existing on life, there was too much in what he said to permit me to dismiss it indifferently. But there came to my mind just the same the many instances of crass accident and brutish mischance which are neither prevented nor cured by anything—the thousands who are annually killed in railroad accidents and industrial plants, despite protective mechanisms and fortifying laws; the thousands who die yearly in epidemics of influenza, smallpox, yellow fever, cholera; the wide-spread dissemination of cancer, consumption and related ills. These I mentioned. He admitted the force of the point but insisted that man, by reason of the sympathy aroused through pain endured, was moved to kindly action by all such things. If nature loved brutality and inhumanity and suffering, why should it escape pain, and why should it generate sympathy, and tears and rejoicing at escape from suffering by man, and why sorrow and horror at the accidental or intentional infliction of disaster on man by nature or man?

“Let me give you,” he went on, “a specific case that has always interested me. It concerns a girl I know, a very homely one, who lost her mind. Her father called me in to see what could be done. The parents of this girl were Catholics. The father was a successful contractor and politician, and there were three children; he provided very well for them materially but could do little for them mentally. He was not the intellectual but the religious type. The mother was a cheerful, good-natured and conventional woman, and had only the welfare of her children and her husband at heart. When I first came to know the family this girl was thirteen or fourteen, the youngest of the three children. Of the three, and for that matter of the entire family, I saw that this girl was decidedly the most interesting, psychologically and emotionally. She was intense and receptive, but inclined to be morbid; and for a very good reason, as I saw it. For

she was not good-looking, not in any way attractive physically, and she had too good a mind, too keen a perception, not to know it. So she came to resent, vigorously and yet hopelessly, all the little neglects and deprivations which, owing to her lack of looks and the superior charms of her sister and brother, were throughout her infancy and youth thrust upon her. Her mouth was not sweet—too large; her eyes were unsatisfactory as to setting, though not as to wistfulness; her nose and chin were too big, and above her left eye was a birth-mark, a livid scar as large as a penny. In addition, her complexion was sallow and muddy, and she had a bad figure. She walked, entirely by reason of her mental depression, I am sure, at least after she had reached fifteen or sixteen, with a slow and moody gait. Something within her, I am sure, was always whispering that hope was in vain, that there was no use in trying, that she was mercilessly and irretrievably handicapped.

“On the other hand, her sister and brother had been specially favored by nature: a cruel contrast to place so directly before her. Celeste, the sister, was bright, vivacious and colorful. She had a graceful body, a beautiful face, clear large blue eyes, light glossy hair, and a love for life. She could sing and dance. She was sought after and courted by all sorts of men and boys. I myself, as a young man, used to wish that I could interest her, and often went to the house on her account. Her brother also was smart, well-favored, careful as to his clothes, vain, and interested in and fascinating to girls. He too, liked to dance, to attend parties, to play and disport himself wherever young people were gathered.

“Thus, during the years when she was growing up, and until her sister and brother were married and gone, the house was a centre for all the casual and playful goings-on of youth. Girls and boys, all interested in Celeste and her brother, came and went—girls to see the good-looking brother, boys to flirt with and

dance attendance upon the really charming Celeste. In Winter there was skating; in Summer automobiling, trips to the beach, camping. In most of these affairs, so long as it was humanly possible, the favorless sister was included; but, as we all know, especially where thoughtless and aggressive youth is concerned, such little courtesies are not always humanly possible. Youth will be served. In the main it is too intent upon the sorting and mating process, each for himself, to give heed or care to another.

"To make matters worse, and possibly because her deficiencies early acquainted her with the fact that boys and girls found her sister and brother more attractive than herself, Marguerite grew reticent, recessive and exceedingly shy—so much so that when I first saw her she was already slipping about with the air of one who appeared to feel that she was not as acceptable as she might be, even though, as I saw, her mother and father sought to make her feel that she was. Her father was a stodgy and silent man, too involved in politics and religion and the difficulties of his position to give very much attention to the intricacies of his children's personalities. He was a narrow and determined religionist, one who saw in abstention the only key to peace and salvation. What he thought of the gayeties of his two elder children I do not know, but since they were harmless and in both cases led to happy and enduring marriages he probably had nothing to quarrel with. As for Marguerite, I doubt if he ever sensed in any way the moods and torturous broodings that were hers, the horrors that attended her disappointed love life. He had not been disappointed in his own love life, and was therefore not able to understand. He was not sensitive enough to have suffered greatly if he had been, I am sure. But his wife, a soft, pliable, affectionate, gracious woman, early sensed that her daughter must pay heavily for her ill looks, and so sought in every way to woo her into an unruffled complacency with life and herself.

III

"But how little the arts of man can do toward making up for the niggardliness of nature! I am certain that always, from her earliest years, this ugly girl loved her considerate mother and was grateful to her; but she was a girl of insight, if not of hard practical sense or fortitude, and she loved life too much to be content with the affection of her mother only. Before her was always the spectacle of the happiness of others, their dreams and their fulfillments. For the greater part of these years she was very much alone, imagining and dreaming about all the things she would like to be, and do. Finally she took to reading and to attending theatres, lectures, and what not—to establish some contact, I presume, with the life she saw about her. But I fancy that these were not of much help, for life may not be lived so.

"When I saw her at twenty-four as the medical adviser of the family, I concluded that there must have been many things in the books she read which tortured her quite as much as reality, for she selected only such books as painted life as she wished it to be for her. Her favorite authors, as she herself told me later, were Anatole France, George Moore, de Maupassant, and Dostoevsky. She went much to the theatre; she brooded in libraries, and she followed one lecturer after another, more, I am sure, because she hoped to get some contact, although she never seemed to, with men who were interesting to her, than because she was interested in the things they discussed.

"Somewhere around the age of twenty-one she had met a young teacher, himself not very attractive, whose prospects, as her father saw them, were not very much. But since she was lonely and found some companionship and solace in his company, no objection was made to him. As time went on, and she and the teacher became more and more intimate, both she and her parents assumed that in the course of time he would most certainly marry her. At

the end of his school-teaching year in New York he left the city and started up a long correspondence with her. In addition, he came back to spend his vacation near her in New York, going about with her and seeming to feel that she was of some value to him in some way.

"She was provided with spending money and could take him to places to which he could not possibly have afforded to go alone. It was assumed, because of their companionship and the fact that she would have some money of her own after marriage, that he would propose. But he did not. Instead, he came year after year, visited about with her, took up her time, as the family saw it (her worthless time!), and then departed for his duties elsewhere as free as when he had come. This irritated and infuriated the family. They thought him a weakling and a failure, and she a fool for trifling with him. But she was not willing to give him up; he was her one hope. The general impression was that he was too poor to marry as yet, or thought he was, and was seeking to establish himself first. Several more years came and went, and he returned or wrote, but still he did not propose. And then of a sudden he wrote that he had fallen in love with another girl, and was about to be married.

"This blow appeared to be the crowning one in Marguerite's life, for in the face of the opposition, and to a certain degree contempt, of her father, who was a practical and successful man, she had devoted herself to this man who was neither successful nor very attractive for almost seven years. And, now after so long a period, in which apparently he had used her to make life a little easier for himself, even he had walked away and left her for another. She fell to brooding more and more. She walked a great deal, as her father told me, and began to interest herself in a course of history and philosophy at one of the colleges of the city. And then, of a sudden, she began to swing between exaggerated periods of study and a form of recessive despair, under the influence of

which she retired to her room for days, wishing neither to see nor to hear from anyone. And then she turned as abruptly to shopping, dress-making and the niceties of her personal appearance.

"About this time her mother died and, her sister and brother having married, she was left in charge of the house and of her father. It was soon evident that she had no particular qualifications for or interest in housekeeping, and a maiden sister of her father came to look after things. She liked this aunt well enough, although they had very little in common mentally. Marguerite went on as before. Parallel with all this, however, ran certain things which I have forgotten to mention. Her father had been growing more and more narrowly religious. Before she was twenty-three he had noted that she was indifferent to her church duties, that she had to be urged to go to mass on Sunday and to confession once a month. Also, he told me afterward, as something to be deplored, that her reading had caused her to believe that her old faith was by no means infallible, or its ritual important; there were bigger and more interesting things in life. This had caused her father to mistrust and detest her reading. From having some sympathy with her at first, he came to have a cold and stand-offish feeling. She was, as he saw it, an unnatural child. She did not obey him. He began to look into her books, and came to feel that they were not fit for anyone to read. They were immoral. They were irreligious. He forbade her to read such stuff, to bring such books into his home. When he found some of them later he burned them.

"So she hid her remaining books and read them only outside or in the privacy of her locked room. Her father's discovery that she was still doing this, and his rage, caused her to think of leaving home. But she was without training, without any place to go. If she should go she would have to teach, perhaps, and for this she now decided to prepare. By now her father had drawn away from her to such an

extent that he wished little if anything to do with her. She was defiled, as he saw it, with mortal sin, and not repentant.

"It was about this time that she developed the aberrations which brought me into the case. As I have said, she began by manifesting a new and exaggerated interest in her looks. Much to her father's and his sister's astonishment, she painted and primed in front of her mirror nearly all day long. Lip sticks, rouge, eyebrow pencils, perfumes, rings, pins, combs, and what not were suddenly introduced—very expensive and disconcerting lingerie, for one thing. The family had always maintained a charge account at two of the large stores, and to these she went and indulged herself in all such things. High-heeled slippers, bright-colored silk stockings, hats, blouses, gloves, furs, to say nothing of accentuated and even shocking street costumes, began to be sent home. Since the father was out all day and the aunt busy with the household, no note was made of all this until she began to put on her new finery and to walk out in the streets. Then came the bills, sixty days late. And then came the storm.

IV

"Previous to this, especially in the period of her greatest depression, she had dressed with no thought of anything, apparently, save a kind of resigned willingness to remain inconspicuous, as if to say: 'What difference does it make? No one is interested in me, anyhow.' Now, however, all was changed. She had supplied herself with hats so wide and fancy or fixy, as her father said, that they were a disgrace and clothing so loud that anyone anywhere would be ashamed of her. There were, as I myself saw, too many flowers, too much lace, too many rings, pins and belts and gew-gaws. And the colors were likely to be terrifying, even laughter-provoking, especially to those accustomed to think of unobtrusiveness as the first criterion of taste—a green or red broad-brimmed hat,

for instance, with a frock of some other and discordant color. And the perfumes with which she saturated herself were, as her father said, impossible.

"So arrayed, then, she would go forth to attend a theatre, a lecture or a moving picture, or to walk the streets. And yet, strangely enough, and this was as curious a phase of the case as any, she never appeared to wish to thrust her charms, such as they were, on anyone. On the contrary, there had generated in her the sudden hallucination that she had so powerful a fascination for men that she was in danger of bewildering them, enticing them against themselves to their moral destruction, and her own. A single glance, one look at her lovely face, and presto! they were enslaved. She needed but to walk, and lo! beauty—dazzling, searing, destroying—was implied in her every motion, every gesture. No man could endure it. He turned, he stared, he dreamed, he followed her and sought to force his attentions on her. Her father explained to me that when he met her on the street one day he was shocked to the point of collapse. A daughter of his so arrayed, and on the street! With the assistance of the aunt steps were at once taken. All the charge accounts were cancelled. Dealers were informed that no purchases of hers would be honored unless with the previous consent of her father. The worst of her sartorial offenses were unobtrusively removed from her room and burnt or given away, and plainer and more becoming things substituted.

"But though now debarred from dressing as she would, she imagined that she was still being followed and admired and annoyed by men, and at her very door. Eager and dangerous admirers lurked about the place. Her father and aunt began to notice that on leaving the house or returning to it she would invariably pause, if going out, to look about first; if returning, to look back as if she were expecting to see some one following her. Her comings-in were not infrequently accompanied by some-

thing like flight, a great haste to get away from a pursuer, presumably a dangerous or at least a very importunate one. There would be a feverish, fumbled insertion of the key, and then she would fairly jump in, looking back with a nervous glance. Once in, she would pause and look back, as though, having succeeded in eluding her pursuer, she was still interested to see what he was like or what he was doing. Often she would go to the curtained windows of the front room to peer out. And to her aunt she explained on several occasions that she had been followed all the way from Broadway or Central Park or somewhere, sometimes by a most-wonderful-looking gentleman, sometimes by a most loathsome brute. He had seen her somewhere and had pursued her to her very door. Brute or gentleman, she was always looking back.

"When this first began to happen they had troubled to inquire into the matter, looking into the street or even going so far as to go to the door and search for the man, but there was no one, or only some passing pedestrian or neighbor who certainly did not answer to the description of a handsome gentleman. Sensibly then, they began to assume that this also was an illusion. By now the thing had reached a stage where they began to feel a genuine alarm because of her and what she might do. Guests of the family were accused by her of attempting to flirt with her, of making appealing remarks to her, and neighbors of known conventionality of presuming to waylay her and force her to listen to their pleas. Thus her father became convinced that it was no longer safe for her to be at large. The family's reputation was at stake.

"At this time I was sent for, and asked to say what, if anything, could be done for her, and if nothing, what was to be done with her. I was permitted to talk to her, but not as a medical man. Rather, I was presented to her as an old friend of the father's who had dropped in as of yore after a considerable absence. She seemed

pleased to see me, only I noticed on this visit, as on subsequent ones, that throughout the conversation she seemed to wish to keep her face averted from me, especially her eyes. She looked here and there, anywhere, everywhere, save at me.

"After she had left the room I found that this development was new to the family. They had not noticed it before. I suspected at once that there was some connection between it and her disappointed love life. Since Freud and his disciples have made clear the immense psychic import of the seeking and repelling impulses of the sexes toward each other, the terrible effect that lack of success in love in youth has upon some natures, upon almost all, has come to be understood. This averted glance appeared to me to have something to do with that. Fearing to disturb or frighten her, and so alienate her, I chose to say nothing, but instead came again and again in order to familiarize her with my presence and cause her to take it as a matter of course. And to enlist her interest and sympathy, I pretended that there was a matter of taxes and property and that her father was helping me to solve the problem.

"In order to insure her presence I came as a rule just before dinner, staying some little time and talking with her. To be alone with her I had her father and his sister remain out for a few minutes after I arrived, and I invented all sorts of excuses for getting into conversation with her. On all of these visits I noticed that she still kept her face from me. One day I said: 'I notice, Marguerite, that whenever I come now you never look at me. Don't you like me? You used to look at me, and now you keep your face turned away. Why is that?'

"'Oh no; of course I like you, doctor, of course,' she replied, 'only,' she paused, 'I will tell you how it is: I don't want to have the same effect on you that I have on other men. You see,' she went on, 'it's my beauty. All you men are alike: you can't stand it. You would be just the same as the rest. You would be wanting to flirt with me, too, and it wouldn't be your

fault then, but mine. You couldn't help it. But I don't want you to be following me like the rest of them, and you would be doing it if I looked at you as I do at the others.' She had on a large hat, which evidently she had been trying on before I came, and now she pulled it coquettishly low over her face, and then sidled, laughing, out of the room.

"I was deeply moved, really. For I knew now that this was an instance of one of those kindly compensations in nature about which I have been talking,—a new proof of the deep wish of Providence to make life reasonably endurable for all of us. Here was this girl, sensitive and seeking, who had been denied everything—or, rather, the one thing she most craved in life: love. She had been compelled to sit by and see others have all the attentions and pleasures, while she had nothing—no pleasures, no lovers. And because she was denied them their import was exaggerated in her mind; their color and splendor were intensified by her lack. She had been crucified until beauty and attention were all that her soul cried for. And now behold the mercy of the forces I have been talking of. They diverted her mind in order to save her from herself. They appeared at last to preserve her from complete disaster. Life does not wish to crucify people, of that I am sure. Basically, fundamentally, it is well-intentioned. Useless, pointless torture has no real place in it; at least so I think."

V

He paused and stared, as though he had clinched his argument.

"Nevertheless and notwithstanding," I insisted, "life lives on life. If not, explain the stockyards, the butcher shops, the germs that live and fatten as people die."

He paid no attention to me. Instead, he went on: "This is only a theory of mine, but we know that there is no such thing as absolute evil, any more than there is absolute good. There is only relative evil

and relative good. What is good for me may be evil to you, and vice versa, just as a man may be evil to you and good to me. In the case of this girl I can't believe that so vast a thing as life, involving all the enormous forces and complexities that it does, would single out one little mite for torture. But, according to my theory, the machinery does not always run true. A spinner of plans or fabrics wishes them to come forth perfect, arranges a design and gathers all the colors and threads for a flawless result. The machine is well oiled. The engine is perfectly geared. Every precaution is taken, and yet in the spinning here and there a thread snaps, the strands become entangled, bits, sometimes whole segments, are spoiled by one accident or another. But not intentionally. Precisely so are these flaws in human beings, which come from I know not where, but are accidental, I am sure, not intended by the spinner. At least I think so. They cause great pain. They cause the worst disasters. Yet our great mother, nature, the greatest spinner of all, does what she can to right things—or so I wish to believe. Like the spinner, she stops the machine, unites the broken strands, uses all her ability to make things run smoothly once more. It is my wish to believe that in this case, where a homely girl could not be made beautiful, still nature brought about what I look upon as a beneficent illusion, a providential hallucination. By way of insanity, Marguerite attained to all the lovely things she had ever longed for. In her unreason she had her beautiful face, her adoring cavaliers; they turned and followed her in the streets. She was beautiful to all, to herself, and must hide her loveliness in order to avert disaster to others. How else would you explain that? As reasoned and malicious cruelty on the part of nature? Or as accident? Or as a kindly intervention, a change of heart, a wish on the part of nature to make amends to her for all that she had suffered, not to treat her or any of us too brutally or too unfairly? How?"

THE ARTS AND SCIENCES

Music

JAZZ

BY VIRGIL THOMSON

Jazz, in brief, is a compound of (a) the fox-trot rhythm, a four-four measure (*alla breve*) with a double accent, and (b) a syncopated melody over this rhythm. Neither alone will make jazz. The monotonous fox-trot rhythm, by itself, will either put you to sleep or drive you mad. And a highly syncopated line like the second subject of the Franck symphony in D minor or the principal theme of Beethoven's third "Leonora" overture is merely syncopation until you add to it the heavy bump-bump of the fox-trot beat. The combination is jazz. Try it on your piano. Apply the recipe to any tune you know. In case you are not satisfied with the result, play the right hand a little before the left.

The fox-trot, which appeared about 1914, is the culmination of a tendency in American dancing that has been active ever since rag-time was invented in the early years of the century. The Viennese waltz and its brother, the two-step, died about 1912. For two years following, fancy steps like the tango, the maxixe, and the hesitation, with their infinite and amazing variations, made anarchy in the ball-room. This was resolved by a return to the utmost simplicity, and the common language of legs became a sort of straight-away walk. Any man could teach his partner in ten steps his peculiar form of it, whether he called it the castle walk, the lame duck, or what not.

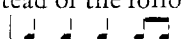
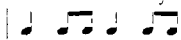
Soon after this primitive step became established ball-room dancing began to show the disturbance that shook all of

polite society when the lid of segregation was taken off of vice and the bordello irrupted into the drawing-room. Ragging, a style of dancing with slight foot-work, but with much shoulder-throwing, came home from the bawdy house bearing the mark of the earlier hoochie-coochie, a *monotonous beat without accentuation*. It infected the walk-steps, had a convulsion called the turkey-trot, which proved too difficult to keep up, and finally, calling itself both the one-step and the fox-trot, became national and endemic. The former name, which merely indicated a tempo, is no longer used. The tempo of the latter has been expanded to include it.

At present the fox-trot is our only common dance-rhythm. Its speed varies from 66 to 108 half-notes to the minute. It will bear any amount of muscular embroidery, from the shimmy to the halt, because its rhythm is in the simplest possible terms. The Viennese waltz is practically extinct in America. What is now called a waltz is simply a three-four fox-trot, as the two-step was a four-four waltz. The rhythm of the Viennese waltz is |  | or |  | and that of the hesitation |  | or |  |. There is one accent to a measure, as indicated. The two-step also had one accent, |  | or |  |. But the fox-trot has two, |  | and the jazz waltz has three, |  |. The waltz, however, is not at home in jazz. After a century of Europeans, from Schubert to Ravel, had played with it, there was small possibility left in it for rhythmic variation. It is not comfortable now, for the true waltz-step is almost impossible unless the music has a flowing

rhythm to tempt a flowing motion of the body.

We learned syncopation from three different teachers: the Indians, the Negroes, and our neighbors in Mexico. It had become firmly established before the Civil War. It is the characteristic twist of nearly every familiar old tune. The dance craze of the last twenty-five years has simply exaggerated it. Because the way to make a strong pulse on 3 is by tying it to 2, thus, . A silent accent is the strongest of all accents. It forces the body to replace it with a motion. But a syncopated tune is not jazz unless it is supported by a monotonous, accentless rhythm underneath. Alone it may only confuse the listener. But with the rhythm definitely expressed, syncopation intensifies the anticipated beat into an imperative bodily motion. The shorter the anticipation the stronger the effect. The systematic striking of melodic notes an instant before the beat is the most powerful device of motor music yet discovered. But a fluent melody with a syncopated accompaniment is an inversion of the fundamental jazz process, and its effect is sedative.

If certain formulae of beat produce motion, probably certain motions have suggested these formulae. But I have no interest in the hen-and-egg controversy. I wish merely to show that the peculiar character of jazz is a rhythm, and that that rhythm is one which provokes jerky motions of the body. Instead of the following "normal" rhythms,  and  and , we have  and , and  and —in brief, all the divisions which the masters of music-not-meant-for-dancing have used sparingly or with special antidotes, for the very reason that they make the body move instead of keeping it quiet so that the music can progress.

The instrumentation is not an essential element in jazz, as anyone knows who has heard a good performer play it on the

piano. It is possible to practically any number or group of instruments, because, above the rhythmic accompaniment, which also sets the harmony, it is contrapuntal rather than homophonic and does not require balanced timbres. Certain instruments and effects, however, are characteristic, especially the use of the saxophone, which, in pairs or in quartets, makes a rich and penetrating diapason, and the monotonous banjo accompaniment, giving out the ground-rhythm—a rhythm so sonorous that it would be unendurable were not its hypnotic effect turned into motor stimuli by bizarre cross-accents.

Another thing characteristic of jazz is the use of the *glissando*. It has long been common on the trombone. It is also possible on the clarinet and the saxophone for about a major third. A descending succession of little *glissandi* makes the "laughing saxophone." The Frisco whistle plays a continuous *glissando*; and the *glissando* on a plucked string, introduced from Hawaii, has been applied to every stringed instrument except the banjo. It is difficult there because of the frets and because the banjo, having no sound-box, gives a tone which, though powerful, is of short duration.

With the growth of the contrapuntal style, enforced by disparate combinations, the varieties of wind tone have been considerably extended. Passionate or startling expression has been found in all sorts of *vibrati* and flutter-tonguing and in the covered tones of the muted trumpet and trombone, the muted clarinet, and the trombone played through a megaphone. Most of these devices, of course, are not new. Rimsky-Korsakoff knew all the tricks on the trumpet that you now hear in the dance-hall, and more. Berlioz employed the muted clarinet. Richard Strauss and Vincent d'Indy wrote for quartets of saxophones years ago. Stravinsky has even written *glissandi* for the horn! But the megaphone trick, which takes the blare out of the trombone and makes it sound fat and oily like a euphonium, is probably

new. Certainly the use of a free-hanging mute is new, though when it takes the form of a tin can or a silk hat it is surely no addition to orchestral elegance.

In the current jazz one hears piano figures that are ingenious, counter-melodies that are far from timid, and experiments in instrumental balance that are of interest to any composer. The harmony itself is at times varied and delicate. The blues formula—subdominant modulation with alternations of tonic major and minor—is simple and effective. The chromatic (or diatonic) succession of dominant ninths so dear to Franck and Chabrier has become popular, and the mediant or sub-mediant tonality offers a pleasing relief from the more obvious dominant. The Neapolitan sixth is quite common and even the “barbershop” chord, the augmented six-five-three, or German sixth, is some-

times used in a manner that is not at all crude.

These characters of jazz are partially supported by serious music and partially contributory to it. Skillful composers on higher planes snap up quickly any novelty that the makers of jazz invent. Union musicians play one night at the movie, and the next night with the local symphony orchestra. They bring a few tricks to the latter, and they take home a great many more. Orchestral and harmonic styles in jazz are still experimental and shifting. But the essence of the thing remains the fox-trot with a monotonous rhythm underneath. That rhythm shakes but it won't flow. There is no climax. It never gets anywhere emotionally. In the symphony, it would either lose its character or wreck the structure. It is exactly analogous to the hoochie-coochie.

Military Science

CAVALRY IN MODERN WAR

By G. A. MOORE

DESPITE the general lay view that the vast development of mechanical and engineering devices in the late war made all the classical methods of warfare archaic and useless, the fact is plain that the chief structural ornament of that older warfare, the cavalry arm, remains intact, and that it will unquestionably find large and valuable employment in the next great struggle. Cavalry has survived the trench, the tank and the gas attack, it has survived the machine gun and heavy artillery, and it has survived the competition of the aeroplane. This is the mature opinion of all the outstanding commanders of the late war: Foch, Ludendorff, Joffre, Haig, Pershing, Diaz and Allenby.

Modern cavalry tactics were born during the American Civil War. There has been little change in them for sixty years, in spite of the new conditions that had to be faced in the Boer War, in the Russian-

Japanese War and in the World War. The mission of the arm remains practically what it was in Sheridan's day. It is still the chief source of information to a commander in the field—and information about the strength and disposition of the enemy is necessary to him, of course, before he can form his plan. The aeroplane, to be sure, has lightened the duties of cavalry in strategical reconnaissance. Before it was invented the cavalry often had to make long and difficult marches to ascertain where the enemy stood. The air service can now take a general view of a large area and locate all the larger and more conspicuous bodies of enemy troops. But the aeroplane cannot go into houses, and it cannot search woods, gullies and the many other places where considerable bodies of troops may be hidden. In cloudy weather and during storms and at night it is not of much use at all. The cavalry, however, can operate in all weathers and over any kind of terrain. It can get detailed information from points too distant for

foot troops to reach. Cyclists and automobiles cannot leave the roads, but cavalry can. The air service and the cavalry thus supplement each other; our American cavalry divisions all have aeroplanes in their organization. Team work between the two arms in reconnaissance gets the best results.

In modern warfare it is more important than ever to use the element of surprise. The enemy must be kept in ignorance of his opponent's plans and movements. The cavalry, by pushing out in force well to the front of its main body, acts as a screen behind which the higher command maneuvers. The vulnerability of cavalry has not been materially increased, despite the development of mechanical means of destruction. The formations are simply opened out. A regiment of cavalry, say, seven hundred men and horses, is still acting as a unit and in concentration if it is deployed in three fields adjoining one another instead of in one field. This slight change in tactics permits cavalry still to operate in large bodies. In protecting its own main body the cavalry first seeks out the enemy cavalry and, if possible, defeats it. This serves two purposes. The enemy gets little or no information and his opponent gets a great deal. The dramatic, swift and efficacious advances of the German armies in 1914 through France and Belgium, as General von Poseck, the present Inspector General of the German Cavalry, sets forth in "The German Cavalry in Belgium and France, 1914," were in no small measure directly facilitated by the efficient screening by their cavalry. General Allenby in his wonderful campaign in Palestine completely deceived the Germans and Turks by the use of his cavalry divisions, with the result that he moved several divisions of infantry from the one end of his line to the other without his opponents being any the wiser. Deceit is necessary in war, and the cavalry in this way renders a service to the basic arm, the infantry, which cannot become the function of any other branch of the service.

Time is a very important element in war. It is necessary to get there first. The cavalry, while it is yet far in advance of the body which it is protecting from attack and observation, seizes important points such as railroad centres, bridges and fords, repairs any damage which has been done by the withdrawing enemy, and if necessary fights the enemy for the possession of these points, holding on until its infantry can come up and take the ground over. This work enables the main body to make an uninterrupted advance. The Germans at the beginning of the World War utilized their cavalry for this purpose to the maximum, and their rapid and steady march on Paris was greatly aided by its work.

On account of its mobility and fire power, and in no small measure because of its historic morale, cavalry is peculiarly adapted to withstanding superior numbers of enemies for short periods of time. This attribute of the arm makes it possible for it to seize important points boldly, relying on being relieved in the near future of the onus of their defense. It is unavoidable many times in such cases that the cavalry should sustain heavy losses. But when the opposing armies draw sufficiently near to one another, it retires to the flanks or rear, and is then used as a part of the mobile reserves. Because of its mobility, which is its prime characteristic, it can move quickly to one flank or the other, or it can be used to fill a gap made by the enemy in the lines. In these circumstances it is frequently used to relieve hard pressed infantry, or to hold a critical point until the arrival of the infantry. But its greatest function is to await a gap in the enemies lines and to push through it. It then takes the lead in exploiting the success, riding down all stragglers in its path, striking at the communications, reserves and supply depots of the enemy, and pursuing him without mercy until his defeat becomes a rout.

The British commander, Field Marshal Haig has said, "Frequently when it was impossible to forward other troops in time,

our mounted troops would fill gaps in the line and restore the situation." Marshal Haig was speaking of the labors of the II (French) Cavalry Corps in the region of Luneville in the summer of 1914. In commenting on the work of cavalry in the war this same commander remarked, with respect to the German drive in March, 1918: "The absence of hostile cavalry at this period was a marked feature of the battle. Had the German command had at their disposal even two or three well trained cavalry divisions, a wedge might have been driven between the French and British armies." In the opinion of many American military authorities, if we had had enough Cavalry in the Meuse-Argonne operation, both at the beginning of that action and in its later aspects, the force would have been able to push through and effect important results. Likewise, many believe that a body of cavalry going through to Sedan on November 1 would have cut off much of the German force to the West. The Italian experts, in their analysis of the future rôle of cavalry in war, have decided that "the resolute man on horseback" will remain one of the most decisive factors. Undoubtedly the smashing victory of the Italian cavalry over the Austrians at Vittorio Veneto in October and November, 1918, helped them to arrive at this conclusion.

The most brilliant example of the use of cavalry in the World War was that offered by General Allenby in Palestine and Syria. The Turks had a line across Palestine facing south, with their right on the Mediterranean. To tell the story in a few words, the British broke the line along the sea. Several divisions of cavalry hurled themselves up along the coastal plane, riding down and through all opposition, turned to the right, placed themselves across the roads leading northward, and captured or destroyed whole enemy armies, the infantry coming on behind and doing the final mopping up. Three British cavalry divisions rode from Jaffa to Damascus, two hundred miles, in twelve days, over

streams, mountains and sand, in a climate unsuited to Europeans, and during this wild yet orderly and thoroughly planned ride they managed to capture 60,000 prisoners, 140 pieces of artillery and more than 500 machine guns. These cavalrymen had a habit of charging entrenched infantry, against all the canons of war, but the losses to the three divisions were only 125 killed, 365 wounded and 43 missing. It took but 20,000 horsemen to do this job.

On October 1 the Fifth Cavalry Division left Damascus, arriving in Aleppo twenty-five days later. Another division accompanied it. Together the two marched 367 miles and captured seven times their own strength—a bag of 23,000 prisoners and 20 pieces of artillery. In thirty-eight days the Fifth Cavalry Division rode 567 miles, fought the enemy eight engagements, and with losses of only 39 killed, 160 wounded and 9 missing, garnered in 11,000 prisoners and 38 field pieces. General Allenby said in 1920, "I have been a cavalry officer ever since I joined the Army in 1882, and I have never felt more confidence in the future of our arm than I do today. . . . Recent inventions and appliances affecting the conditions of war, far from lessening the power and scope of cavalry, have added thereto . . . Cavalry can adapt itself to any condition . . . and will fit its tactics to any country . . . The cavalry leader . . . will again and again find his opportunity to go in with the cold steel."

When the infantry must retreat or withdraw, the cavalry is used to protect its backward movement. Again because of its mobility and fire power, it holds one position after another, compelling the enemy in his pursuit to deploy from a column formation to a fighting formation, thus delaying the pursuit, and as soon as this has been accomplished it mounts again to seize the next good point for defense. The French and the British in 1914 very frequently used their cavalry in this way.

In guerilla warfare cavalry becomes the

basic arm. A good example of this was offered by the Pershing Expedition into Mexico in 1916. Foot troops cannot find enemy irregulars. But cavalry, with its superior fire power, can, and it can whip them after it catches up with them. In our regulations raids are defined as "isolated and independent operations, conducted with secrecy, by rapid marches, usually avoiding general engagements. Their objects are various, but operations against

the enemy's line of communications and depots and sources of supply are most usual." Our cavalry division is therefore organized to act independently, and that fact distinguishes it from the other auxiliary branches. Cavalry is exactly suited to raiding and once its own air service has attained to supremacy in the air it can brave all the other means of communication cut loose from its base, and boldly risk all for a great prize.

Printing

THE BOOKS OF DARD HUNTER

BY NELSON ANTRIM CRAWFORD

IN the entire history of printing Dard Hunter, of Chillicothe, Ohio, is the first and only man to have made books wholly by his own labor. He made the paper and the type, he set the type, he made up the pages, and he did the presswork. Hunter has produced three such books: "The Etching of Figures," 1915; "The Etching of Contemporary Life," 1916, and "Old Papermaking," 1923.

Like so many other good craftsmen, he comes of a family of craftsmen. For four generations the Hunters have been printers. Dard Hunter's father maintained a commercial print shop and at the same time operated a private press. On holidays and in his spare time he worked at a little hand press, turning out books which he himself had written. This example was not lost, and Dard Hunter became a printer, too. He worked for a while in his father's establishment and then turned to book design. For seven years, from 1902 to 1909, he was employed in the Roycroft shops, run by Elbert Hubbard. There he designed 150 volumes. They are the most attractive of the books produced by Hubbard. "Rip Van Winkle," the first of them, is regarded by many printers as the best piece of printing ever done in the Roycroft shops. At this time those shops were using more imported handmade paper than all other

American shops combined. Hubbard himself, however, was no artist and though Mr. Hunter feels kindly toward him because of his courtesy and generosity, he admits that the books which he designed in those days "should all be repulped and made into packages for shredded wheat or wrappers for soap."

Dissatisfied with the rigidity and lack of individuality which he found in American printing, and attracted by the quality of European handmade papers, Mr. Hunter went abroad. He studied hand paper-making processes in Italy and mould construction and watermarking in London. In Vienna he studied type design under the noted Rudolph Elden von Larisch, director of type design in the Austrian Government Printing Office. He also worked in the Graphische Lehr und Versuchsanstalt, the oldest school of graphic arts in the world. Then he formed a connection with the Norfolk Studio in London, and there he designed catalogues and other advertising matter for British firms. Practically all the English catalogues of automobiles for the year 1910 are of his design.

But such work was not satisfying. In Europe he saw the typography, the presswork, and the paper of 400 years ago. His work, he realized, was inferior. At the same time, he felt that even if he should go back to the methods of the old printers, buying handmade paper and then printing upon it with type designed by himself, he

would still be unable to attain their results. The craft tradition had ceased to be strong enough to make it possible for two groups, the papermaking group and the printing group, to coöperate so as to produce a unified art. If he were to make bookmaking genuinely an art, he must make it strictly an individual achievement.

Consequently, he bought the equipment of a 300-year-old paper mill in Wiltshire, brought it to the United States, and housed it in a cottage which he erected near Marlborough-on-Hudson, in New York. For materials he used Irish linen rags. Every sheet of paper was made by his own labor, as in the small shops of the early Renaissance. Then he turned to the making of type. He used ancient tools and a hand mould. His type might be technically described as old-style Roman. It resembles the type of Jenson, but is too individual ever to be mistaken for the work of the older printer. From the very beginning Mr. Hunter planned to use his paper and type for his own book, "Old Papermaking," for which he had been gathering material for years. Fifteen years of research and a full year of composition and presswork are represented in this book, which was issued only last year.

In the meantime, however, the Chicago Society of Etchers had become interested in Mr. Hunter's work and prevailed upon him to print two volumes, "The Etching of Figures," by W. A. Bradley, published in 1915, and "The Etching of Contemporary Life," by Frank Weitenkampf, published in 1916. Both are now out of print. For these books Mr. Hunter used his own handmade paper and his own type, and he printed both of them on his own hand press in a room in his home at Chillicothe, Ohio. These were the first books in the history of printing to be produced entirely by the labor of one man.

"Old Papermaking" however, is of more interest because it was written as well as printed by Mr. Hunter. It is, moreover, the only thorough and accurate treatise on the

subject. It embodies the results of exhaustive research into the appliances and methods of the early papermakers, the development of moulds and deckles, the employment of watermarks, and the origin of the curious practice, now practically abandoned, of watermarking paper in colors. An interesting fact to the student of language is that the word *watermark*, which is obviously a misnomer, appears to have originated in 1790 with an English patent granted to John Phipps. The current German term, *Wasserzeichen*, was borrowed about 1810 from the English. The French term *filigrane* and the Dutch *papiermerken*, are obviously much more appropriate to the actual process. The art of forming the wire patterns which make the marks has been modified but little, Mr. Hunter points out, since the year 1270.

While "Old Papermaking" is somewhat awkwardly written, it contains accounts of numerous interesting old printers' customs. The author tells, for example, how in Holland it was the custom for the workers to live with the master of the mill. They all had their meals at the same table, and it was etiquette for the mill-hands to stop eating when the master laid down his spoon. According to tradition, many of the old Dutch masters were very stingy. The food was served steaming hot, and before it had time to cool sufficiently to be eaten, the hard master would lay down his spoon and the papermakers would have to leave the table. In the papermaking districts of Holland, to this day, whenever children are eating too rapidly their parents chidingly accuse them of having been brought up by the papermakers.

The illustrations in the volume are in part from early prints showing the papermaking art, and in part modern drawings, but chiefly reproductions of labels and watermarks used by early printers. There are shown, for example, representations of the French portrait of Christ, 1399, the earliest watermark of a human head ever used; of the animal watermarks of the Fifteenth Century; of the elaborate por-

trait watermarks, largely German, of the early Nineteenth Century; and of the four-color watermarks made in 1818 by Sir William Congreve. There are also tipped into the book actual specimens of old paper, from 1480 onward. The volume has an eight by twelve inch page, the type occupying a space five by eight inches.

This is much the most elaborate of Mr. Hunter's books. All of them, however, possess a quality not unlike that of the Fifteenth Century Italian volumes. His type has strength, individuality, and genuinely significant form. A page by him is beautiful purely as design. The paper is remarkably satisfying, and the type forms an integral part of the page. Printing and paper do not seem separate, as they do in the work of some of the best presses of the last half century. Mr. Hunter's success in eliminating this impression of separateness is due partly, I believe, to his employment of wet-printing, which is uncommon in contemporary work, but which is essential to the best results on handmade paper. Each volume, considered as a whole, pos-

sesses marked aesthetic unity. The chief reason is obviously the fact that it is the work of one man, who has made the paper, cast the type, and devised the page design to fit what he conceives to be the essence of the volume.

Mr. Hunter plans to continue his work. He now has considerable paper in stock, and has closed his mill. He expects soon, however, to get a new mill in New England and again start making handmade paper. He has already enough made up for his next book. This will be "A Bibliography of Papermaking and Watermarking from 1390 to 1800." It will contain about one thousand titles. Only 150 copies of this book will be printed. Of "Old Papermaking" Mr. Hunter made 200; but this, he states, he has found to be too many for the methods that he employs. He is definitely committed to the one-man book idea.

"I do not believe," he says, "I could ever take any interest again in printing a book in which factory type and paper were used."

THE INQUIRING MIND

BY ZECHARIAH CHAFEE, JR.

KNOWLEDGE is not a series of propositions to be absorbed, but a series of problems to be solved. Or rather I should say, to be partly solved, for all the answers are incomplete and tentative. This view of life is in no way original, but it is frequently ignored. From the fact that reading, writing, and arithmetic are the bases of education and were long the only education for most persons, we have unfortunately been led to regard them as typical of *all* education. We feel that knowledge is something which has been settled by others and given us to learn, just as we learned the multiplication table.

Nevertheless, outside the field of such established facts as the three R's there lies a much vaster area, and with it citizens must acquaint themselves if democratic government is to manage our modern industrial civilization successfully. Knowledge of this vaster area cannot be obtained merely from what others tell us; it must come from what we find out ourselves by asking and answering questions. Therefore, the true type of education is not the certainty of the multiplication table, but the incomplete approximation of the square root of two, or better yet, the undiscoverable ratio between the circumference and the diameter of a circle. (How strange that such a common fact should be so complex!) Indeed, we may eventually come to take as our typical fact the square root of minus one, which, although we call it an imaginary quantity, forms a necessary element of many of the electrical calculations that make possible the ordinary operations of our daily lives.

In school geometries the propositions are printed in large type and the originals are tucked away in the back in small print. Some day we shall realize that the propositions are far less important than the originals.

II

The fruitfulness of this method of constant inquiry is demonstrated by the experience of Darwin. His voyage around the world brought him into contact with many interesting facts which he recorded faithfully, but he was not content to rest with the acquisition of facts. He began to ask himself a question that he could not answer. Soon after his return to England he opened his notebook on the *Origin of Species*, in which he preserved all the information he could find for the sake of answering that one question. His method of using books he learned from Buckle, who used to jot down on the fly-leaf of every book he read references to passages in it which he thought might prove serviceable to him. "How do you know," Darwin asked, "which passages to select?" Buckle replied that he did not know, that a sort of instinct guided him. When the thinker has formulated his problem, the facts he meets are bound to shape themselves with regard to it, just as a magnet throws all the iron filings brought near it into one pattern.

Darwin asked himself one question, and spent the rest of his life answering it. Pasteur propounded a succession of riddles, and his earlier problems offered little prospect that their solution would aid mankind. What relation to human happi-

ness was in his first riddle, the difference in the deflection of light through the crystals formed by tartaric and paratartaric acids, a difference which apparently concerns nobody? From this he passed to the even more useless problem of the possibility of spontaneous generation. Yet this led to the question of fermentation, and from the diseases of beverages he turned to explain those of animals and men. The possession of theoretical knowledge, indeed, seems almost sure to create opportunities for its practical use.

This progress from the theoretical to the practical was reversed in the riddles that beset Kepler, the forerunner of Newton. Finding himself financially prosperous, he decided to place some well-filled casks in his cellar. They must be made of wood, and wood was expensive. Hence a problem, quite independent of the pleasures of theory, but all-important to the economical head of a household: how to get the greatest cubical content of wine into the minimum amount of wood. Should the cask be apple-shaped, pear-shaped or lemon-shaped? We can imagine him out in his orchard laying boards in various positions on temporary frames and then generalizing his results in mathematical formulae. They developed into his book on the measurement of casks, and became the foundation of infinitesimal calculus, the basis of all our pure and applied science today.

Einstein at five years old was, as he lay in his cot, given a compass by his father. The remembrance of the swinging needle remained with him, suggesting invisible forces, which later he was to explore in electromagnetic waves and gravitation. At twenty-two, struggling with poverty as a private tutor, a friend obtained for him a position as examiner of patents in the Swiss Patent Office. Instead of repining at this job as five years enslavement, he made his experience in varied fields of invention interlock so widely with the solution of theoretical problems that before he left he

published in quick succession the first series of his dissertations on the theory of relativity. To the inquiring mind, all experience is gathered into the solution of overmastering problems.

Nor need my illustrations be limited to the non-human sciences. Frederick William Maitland, the English legal historian, became interested in a German treatise on the political theories of the Middle Ages. What could be more alien to the Twentieth Century than medieval doctrines of the relation between the empire, the church, and the guilds? Yet Maitland's attitude was, "Today we study the day before yesterday, in order that yesterday may not paralyze today, and today may not paralyze tomorrow." He began to inquire into the nature of groups of human beings, incorporated and unincorporated. Is such a group merely an aggregation of human beings, or is it in itself a person? Facts accumulated in his mind, he cross-examined documents like a string of hostile witnesses, he talked about his problem, wrote for information to America, to men he had never seen for data about our corporations. And somehow the problem of the Middle Ages became the problem of the great unincorporated groups of today: the Roman Catholic Church; the trade unions—Chief Justice Taft's decision in the *Coronado* case on the possibility of suing the United Mine Workers of America is just this question; the New Jersey corporation doing business in States where it owes none of its legal existence to the local legislature—; the nature of that most powerful of all groups, the state itself. Is it only a sort of glorified public service company, as Maitland's followers would have it, that sells police protection and schooling to its citizens as a trolley company sells rides? Or is it, as the other side contends, a sort of ethical culture society to lead us onward and upward toward the light? Whichever of these two views we take of the state, whether it is an organization for specific business services to the community or an inspirer of souls, why does it haggle over

the settlement of its contracts, impose double taxation, deny all responsibility when its mail-trucks run over us, refuse to be sued in its own courts, and in general fall far below the standards of fair dealing which it imposes upon every taxicab driver or keeper of a restaurant?

The old system of water-tight compartments into which knowledge was supposed to be divided, and each of which had to be entered separately, is breaking down. The late Jacques Loeb, whose vital personality was hard to explain by his own mechanistic doctrines, once remarked; "People ask me, 'Why are you studying mathematics? Why are you learning physics? Aren't you a physiologist?' And I say; 'I don't know.' Then, 'Aren't you a chemist?' or 'Aren't you a biologist?' I don't understand these questions. I am preoccupied with problems." Problems—the material for solving them must be drawn from every available source! No place, then, for jealousy between workers in sharply demarcated fields. As H. G. Wells says in "Joan and Peter," "All good work is one."

III

It will probably be objected that all this is very well for the leaders of thought, but that few of us can hope to be ranked among them. What are the inquiries of the rest of us worth? On the contrary, I insist that this way of looking at life as a series of questions and answers is not for originators and specialists alone, but for every man and woman whose vision is not confined to the acquisition of a bare subsistence. Beyond the facts that immediately affect us are the problems of the world in which we find ourselves with no choice of our own, the solutions of which are bound to mould us in the end, however remote such problems seem. It has become a commonplace to remark, and yet it cannot be said too often or it will be forgotten, that a shot in Bosnia brought over a hundred thousand homes in this country into mourning. Financial disorganization in Central Eu-

rope means foreclosed mortgages in the Dakotas. The time has long since passed when Dr. Johnson could say that he would not give half a guinea to live under one form of government rather than another, because it was of no moment to the happiness of the individual. The government of these days can decide what we shall think or what we shall drink, allow sugar to go up and the dollar to go down, tax us out of the income we meant to devote to travel or the education of our children, force our boys—by imperceptible extensions of the present training-camps—to spend one or two of the best years of their lives in barracks learning the art of killing, then send them out to be shot by some nation we happen to dislike at the moment, and afterwards dictate school-books to demonstrate how profitably they died.

Most of us are too busy contending with the effects of these obscure forces to probe long into their causes, but the undergraduates in our colleges have abundant leisure for acquiring an understanding of the obstacles to progress, and if they acquire it, may do much to remove those obstacles in after-life. Instead, they allow the leisure available for such inquiries to be filched from them by those who want them to use it up in the drudgery of managerships and committee meetings—just the sort of tasks on which they will have to spend all their lives after they leave the campus.

Why is it that the average undergraduate allows himself to be lured into thus anticipating the gradgrind monotony of his middle life and away from the pursuit of ideas, for which he now has opportunities that will never return? In large measure because such college activities seem a part of real life, while the reading and thinking that he is asked to do appear unrelated to his own experience and expectations. Once this supposed want of relationship is shown to be a falsity, once the solution of a given problem is proved to be as intimate an influence upon his life as the choice of a room-mate, will not the natural human thirst for ideas assert itself? Learning,

therefore, must be related to individual experience, but that experience may reach beyond the maintenance of bodily existence to the enjoyment of distant landscapes, of children at play, music, the converse of friends, the mind voyaging through strange seas of thought alone.

IV

A few illustrations will make clearer what I mean by the relationship between theory and our own experience, and the way in which the investigation of a problem draws in facts from several departments of knowledge.

The front page of every daily newspaper was occupied recently by the senatorial committees investigating the oil scandal and the Department of Justice. It is the fashion in many quarters to regard such investigations as annoying interruptions to legislation—an attitude somewhat inconsistent with the usual sigh of relief when Congress adjourns without inflicting any more legislation upon us. But this attitude of hostility toward the committees was vigorously combated by an editorial in a newspaper that can hardly be called radical—the *Boston Transcript*. It insisted that the investigative function of a legislature is just as important as its law-making function. College undergraduates might well turn from their study of political science as an abstraction, and ascertain the limits of this investigative function. On what occasions did the English Parliament call Cabinet ministers to account? Is the punishment of impeachment a satisfactory remedy for official misconduct? What was the process in Parliament by which the removal of an official by impeachment became obsolete as too cumbersome, and was succeeded by the custom that he should resign on receiving a vote of want of confidence? What would happen to an English Minister if he did not resign? Did the vote of the Senate calling for Denby's resignation mark the beginning of a similar process in this country? Is the

separation of the executive from the legislature an essential incident of democracy, as Mr. Coolidge told the Filipinos?

If so, why is it that England and France are not democracies? Under Washington and under Taft, proposals were near'y adopted for Cabinet officials to appear on the floor of Congress and answer questions. Should this be done? Would it be superior to investigating them long after they have acted? Does the great increase of Federal powers in the last few years necessitate the creation of more definite channels through which the representatives of the people may get at the conduct of officials who have acquired so much control over our daily lives? In such inquiries, history and political science would interlock.

Another interesting group of problems arises from the decision of our government not to recognize the government of Russia, which, in turn, has refused to recognize us until we clean house. Adopted, as our decision has been, by a distinguished Secretary of State, the undergraduate must unquestioningly assume it to be based upon a valid reason. But let him inquire what that valid reason is. One day it is stated that the Russian Government is so weak that it is about to fall. A few days later, the same person or newspaper worries for fear that it is so strong that any day the red flag may be seen fluttering over the White House. Either of these reasons may be sound, or neither, but not both. Then the inquirer might consider other reasons. The Bolshevik atrocities would open the way to an historical consideration of the recognition of the French Republic by Washington's Cabinet during the Reign of Terror. Then the undergraduate could turn to the general question of the effect of moral ideas upon recognition. He could recall our relations with a massacring Czar; he could ask whether our attitude toward the Huerta administration in Mexico marked a departure from our previous policy, and whether that departure was proper. The suggested reason for non-recognition, that the Soviets have

sent money into this country to overthrow our government, would lead to an inquiry into the amount of American loans to Admiral Kolchak. The repudiation of debts would furnish an economic topic, involving a study of the repudiation of State debts in this country, and of the difference between debts that are recognized but not paid and those that are neither recognized nor paid. Thus, in time, after surveying political science, international law, economics, and history, our inquirer will doubtless find the valid reason that makes it impossible for us to follow the English course, so heartily endorsed by such conservative newspapers as the London *Spectator*.

An inquirer interested in economics will find plenty of material at hand in the income tax. Loud complaints have been made that most of this tax has been paid by the citizens of a few States,—New York, Pennsylvania and Massachusetts—whose representation in Congress is small compared with that of the citizens of States wherein little or no income taxes are paid. The basis of this resentment is plain. Taxes ought not to be imposed by those who do not pay them, and it is natural to assume that the man who gets the tax bill and sends in his check to the collector is the man who pays the tax. But now we find that the persons who are loudest in making this complaint have been the most eager advocates of the Mellon plan for the reduction of high surtaxes, on the ground that the man who gets the bill for the surtax does not really pay it at all, but collects it from his poor customers! In advocating its abolition, he is consequently acting for their advantage and from entirely disinterested motives!

Now, this may be true; if so, let the investigating undergraduate prove it. He could show, for instance, how, when the author of a very successful \$2 novel, such as "Main Street," was obliged to pay a big surtax, he shifted it to the reading public by increasing the price of his novel, and selling it for more than another \$2

novel that had fallen still born from the press. Or he might find even more telling examples for Mr. Mellon's argument. But how can it be that the 50% surtax is not paid by the man who pays it, when the total income taxes levied in New York, Pennsylvania and Massachusetts are paid *entirely* by citizens of those three States? If the poor pay the surtax, why don't they pay *all* income taxes, and why do not the customers in the West and South, who buy from those three States, pay a very large share of the taxes imposed there? Either theory may be right, or neither. But not both. An inquiry will show which is. A widely diffused knowledge of the principles of that very difficult subject, the shifting and incidence of taxation, would make it possible for the American people to criticize Mr. Mellon's next proposal with much greater discrimination.

I should like to go on with other problems: In history, whether the American Revolution was really, as some recent writers intimate, a combination of debtors and smugglers against the prosperous and law-abiding, and if so, how the participation of Franklin and Washington is to be explained; in literature, how much misfortune is necessary to stimulate an author to create without going so far as to kill him off; in classical studies, how far the conditions which brought about the flowering of Athenian culture are attainable in a modern factory city? But I hope that enough has been said to indicate the fruitfulness of the method of the inquiring mind.

V

Nor are such problems as these for undergraduates alone. The inquiring mind is not to be thrown aside with cap and gown, rolled up in a diploma with a ribbon of the appropriate color around it. Oxford was once said to be a place of such great learning because so much was brought there and so little taken away. The value of a man's education cannot be determined until we see what books he is reading ten

years after he has been graduated. Dallas Lore Sharp has said that the student passing through college is like the wind blowing through the orchard; it carries away some of the fragrance and none of the fruit. Unless the college man has enrolled in a fifty-year course, in a continuing education, his four-year course has failed of its purpose. And if my view of the nature of education be sound, this means that he must continue to preoccupy himself all his life with problems.

There is, indeed, no reason for limiting such investigations to college graduates. A very large amount of reading is now carried on by other persons, especially in public libraries, as will appear from a visit to one of their reading-rooms any Sunday afternoon. Desultory reading is a desirable recreation and even when carried to excess is probably harmless, but so is solitaire. Much of the time now spent on books leaves no trace in the reader's mind because it is directed to no continuous purpose. This energy and love of books could be profitably canalized into the pursuit of the solution of problems related to the life of our own time. Consider the value of such an inquiring attitude to the citizen! By continually asking and answering questions, he may gradually approach the qualities of that great teacher of whom it was said, "I sometimes think that the one and only prejudice he had was a prejudice against his own results." He will come to appreciate, too, the wisdom of DeTocqueville: "I am tempted to believe that what we call necessary institutions are often no more than institutions to which we have grown accustomed, and that in matters of social constitution the field of possibilities is much more extensive than men living in their various societies are ready to imagine." Whether this citizen call himself conservative or radical, he will certainly not be ranked among those conservatives who, if they had been present on the first day of creation, would have exclaimed "Let us conserve Chaos!" nor yet among those radicals who account it so much a

virtue to be ahead of the procession that they sometimes find that the line of march has been deflected into a side-street behind them, and that they are left stranded.

Only if there be an abundance of inquiring minds among the people can the leaders who are striving to answer the riddles of the time meet a sympathetic response from the masses whose support is essential to their success. The high-power broadcasting station would be futile if it were not for the low-power receiving sets, and they must be tuned to it. Elaborate schemes such as Walter Lippmann's for developing public opinion through experts will be useless if the public refuse to ask questions about the material which the experts and leaders supply. The want of such responsive inquiring minds has caused some of our most conspicuous national failures of recent years. We have insisted on propositions, and refused to consider problems. Before the war we accepted freedom of thought as a venerable tradition, and neglected to exert ourselves to define its scope. Freedom came to mean in practice the liberty to do what everybody else did, but not to do anything different. We would not allow a man to be prevented from wearing his straw hat in July, but we saw no reason why he should be free from molestation if he wore it on a hot day in October. A conception of freedom which had been given no genuine content through general thinking quickly vanished with the advent of war, when free inquiry was most needed. We lapped up propositions like the War to End War, and an Association of Nations without caring to ask what they meant, and we shrank from unpalatable problems like the Secret Treaties in the same spirit that a man avoids going to the dentist's for fear that a bad cavity may be discovered. Consequently, when we had obtained the victory, we did not know what to do with it, and we patched up a separate peace which made no provision to secure any of the things for which we had so eagerly fought. The present administration swept tri-

umphantly into office with another set of propositions which have recently acquired an unexpected significance—Government by the Best Minds, and More Business in Government. If we neglect to exert ourselves to define by arduous inquiry what we really want and expect to get, we can, at least, be sure of getting something that we do not want at all.

To men of inquiring mind a main concern is the universities, for they are the principal centres of systematic investigation among us. The government of a university by its graduates has been accepted for many years as an indubitable good. Yet Graham Wallas, in "Our Social Heritage," says of alumni control in England and America: "That expedient was devised from the mass meetings of resident teachers in the medieval universities, and has, I believe, now ceased to have any but bad effects. The alumnus, as such, has neither the knowledge and interest of the teacher, nor the knowledge and interest of a well chosen representative of the community." Thus alumni control is still a problem for us to consider, though it is to be hoped that our eventual answer will be favorable to it. Certainly it is significant that the two most striking efforts of our time to transform colleges into real institutions of learning, Woodrow Wilson's at Princeton and Alexander Meiklejohn's at Amherst, both failed, and, despite the presence in each case of other factors, failed mainly because a large body of alumni did not want that kind of college. In the Harvard Law School the reform of Langdell, which revolutionized legal education, alienated permanently many influential graduates and could never have succeeded had not President Eliot supported the dean against both faculty and alumni.

VI

Not the least of the values of the preservation of the inquiring mind by the alumnus is that it renders him sympathetic to theoretical research with no visible prac-

tical value, to free investigation by the faculty and students of his university, and to experimentation in its administration. If, on the other hand, he has allowed his idealism to be worn away by the pre-occupations of daily life, he is likely to adopt toward the aspirations of thoughtful and eager undergraduates the attitude described by Romain Rolland:

In the hostility, sullen or ridiculing, displayed by most persons towards the dreams of the young, there enters in large measure the bitter thought that they themselves were thus once upon a time, that they too had these ambitions and did not realize them. All those who have denied their souls, all those who have had in them the possibility of achievement and have not brought it to pass, accepting instead the safety of an easy and honorable life, think: "Since I have not been able to do what I dreamed of doing, why should they do it, these boys? I do not want them to do it." How many Hedda Gablers among mankind! What a sullen struggle to annihilate new and free forces! What studiousness to kill them by silence, by irony, by the wearing down of daily life, by discouragement—and by some perfidious seduction, just at the right moment!

And so curious fears spring up among graduates that the students are learning higher ideals than are practicable in the rough and tumble of actual existence. A powerful group of Harvard alumni in New York City objected to the work of Professor Davison in training the Glee Club to sing songs of the first rank because its members would thus acquire a taste for a type of music which they would not find after graduation!

As one leaves youth behind, the problem of growing old well acquires unexpected importance. There is less to look forward to and more to lose by changes. For many of us, our college stands out as one of the few spots of idealism in our lives, and we resent the slightest possibility of alteration there lest that, too, be lost to us. Such a motive may account for the almost savage intensity with which alumni have at times opposed novel tendencies in teaching. There is much uneasiness abroad among them today over radical teachers. I believe that this springs largely from the view which I opposed at the opening of this

article, that the multiplication table is the type of knowledge, and that a teacher is assumed to hand out chunks of doctrine to his students which they accept unquestioningly. Elderly gentlemen easily exaggerate the immaturity of the undergraduate. A few months ago, President Cutten of Colgate stated in an address that one had to "talk to the little ones in words of one syllable." An effective statement of this multiplication table view may be quoted from President Elliott, president of railroads, not of a university:

In giving young people their physical nourishment we do not spread before them every kind of food and say, "Eat what you like whether it agrees with you or not." We know that the physical machine can absorb only a certain amount and that all else is waste and trash, with the result that bodies are poisoned and weakened. In giving them mental nourishment, why lay before young and impressionable men and women un-American doctrines and ideas that take mental time and energy from the study and consideration of the great fundamental and eternal truths, and fill the mind with unprofitable mental trash? . . . After they get into the real world it takes them considerable time to become convinced that certain laws controlling social and material affairs are as unchangeable as the law of gravitation, and some never learn it.

Without pausing to ask what these unchangeable laws are, or to recall that even

the law of gravitation is not so firmly settled as it used to be, I protest that this food analogy misses the duty of a teacher, and of every man of inquiring mind, who inevitably (whether paid to do so or not) feels it one of his highest tasks to stimulate the same sort of mind in those younger than himself, whether his students, his children or his friends. It is the business of such a man, not to hand out rigid bodies of doctrine, whether Socialism, Home Market Club protectionism or anything else, but to train those to whom he speaks to think for themselves. He is not the gentleman behind the quick-lunch counter that Mr. Elliott's criticism suggests. He is more like the leader of a group of miners going into partially opened country. He has been there before; he knows more than they do about the technique of exploration and detecting the metal they seek, but he cannot give them definite directions which will enable them to go to this or that spot and strike it rich. He can only tell them what he knows of the lay of the land and the proper methods of search, leaving it to them to explore and map out for themselves regions which he has never visited or rivers whose course he has erroneously conceived.

PARIAH

BY CHESTER T. CROWELL

WHEN suspicion fell upon Anthony Oakland the directors of our company quite naturally turned to me for information about him, for I was the only person with whom he was intimate. But the nature of our long association was such that I knew no more of that chaff and chatter which constitutes what the world calls information about a man than they did. I could have told them his views on literature and philosophy, his favorite operas, or the nature of his sense of humor, but I didn't know where he lived. I am a bachelor, and at the time I made his acquaintance I supposed that he was one, too; in fact, I continued under that impression during the first three of our twelve years of friendly association. I might have informed the board members that our minds had a natural affinity for each other, so that on first acquaintance we passed beyond the commonplace approaches, but I am sure they would not have understood. Freed of the obstructing influence of female companionship, men sometimes find their way to a comradeship based upon intellectual wanderings—achievement is necessarily accomplished alone—and enjoy each other's minds so well that they never think of exchanging information about rents, tailors, or investments.

Our's was a small firm, occupying a three-story building in a neglected part of Manhattan and manufacturing a chemical preparation, when Anthony Oakland applied for a position, probably in answer to a classified advertisement. If I recall correctly, he was the shipping clerk at first. As he subsequently held every position

from his point of beginning to that of general manager the detail is of slight importance. If I had not read of Leonardo da Vinci I should be tempted to say he was the most versatile man this earth has ever produced. To my personal knowledge he performed at least a dozen diverse tasks with astonishing competence, and told me at various times of a score of other positions requiring skill that he had filled acceptably. As the firm was young when he joined it, and paying low wages, we lost many employes, and so he rose to better positions very rapidly.

The general manager died during the fourth year of his employment and he became acting manager. As a temporary arrangement a rubber stamp was made so that letters could be signed with the name of the president of the company, "per O." Even under this cloak of anonymity his remarkable ability and integrity achieved a personality. The employes referred to him affectionately as "Old Pero" and one of the firm's more or less illiterate customers sometimes wrote letters saying that no contract was necessary if he had the signature of Mr. Pero. Anthony liked the nickname and eventually even the directors called him Pero at board meetings. So the temporary arrangement remained unchanged for nearly seven years. He had no title but Pero. I myself was attorney for the company and having invested a small sum in it, was placed on the board.

One day an insurance solicitor, a friend of Mr. Wellman, our president, and member of the same golf club, told him of the large business he obtained by writing

insurance for executives whose services could not easily be replaced in the event of their death. The firm is the beneficiary under such policies, and of course pays the premiums. You will readily see that the solicitor could not have approached a riper prospect. Mr. Wellman at once made an engagement for him to appear before an informal meeting of the board. Our company had never amounted to much until Anthony took charge; in fact, he *was* the company. The outcome of this meeting was that we arranged to insure Anthony for \$200,000 and offered him the title of general manager along with a contract for ten years. Up to that time the possibility of losing him had never occurred to us—and, as a matter of fact, no such danger existed. All of us were pleased with what we had done, however, and correctly considered it a fitting compliment.

But developments entirely different from what we had expected came thick and fast. In some unaccountable manner the insurance proposal was presented to Anthony before the contract. He received the solicitor cordially and informed him—in answer to questions—that all of his ancestors had been tubercular and had committed suicide while insane, that he had several times been convicted of crime, that he drank “all he could hold, daily,” and was afflicted with every physical ailment named in the application blank. I do not think the solicitor was lacking in humor, but he was eager for the business and undertook a secret investigation. Just how he obtained Anthony’s address, I do not know, but within a few days he reported to Mr. Wellman that Anthony was known under half a dozen aliases in the neighborhood where he lived.

Moved no doubt by that whimsical sense of humor I found so delightful, Anthony had had printed several sets of cheap cards, samples of which the insurance solicitor presented to Mr. Wellman along with his astonishing report; and thus it appeared that our general manager was known to the Italian who

pressed his clothes as John C. Smith of the Residue Salvage Company, to his janitor as Richard Roe of the Waste Products Corporation, and to some one else as John Dowe of the Hermit Manufacturing Company. Another of the names he enjoyed was *Homo Perdido*; this absurdity he had successfully offered to an aged Irishman with the amusing explanation that he was an Italian. *Homo*, of course, is the Latin for man but *perdido* is a Spanish word meaning lost.

II

Mr. Wellman’s alarm was beyond description, and he nearly had apoplexy. An audit of Pero’s books followed. In spite of the fact that he suspected a connection between the insurance man’s interview and this sudden order, he took it with the best of good nature and gave more than the assistance requested. Any inquiry into his business methods or the condition of the company always met prompt and courteous coöperation. His books were found in order; in fact, all its affairs were flourishing.

Mr. Wellman was determined to have the contract and insurance policy, but saw now that he must work slowly and diplomatically. Of the two, he considered the contract much the more pressing. However, he also desired to have the mystery of Anthony cleared up, and it was at this point that the directors appealed to me to find out something about the man who had been in our employ nearly twelve years. What an absurd lot we so-called conservative business men are! Doubtless we could have obtained all this information years before, or, if we couldn’t, that was at least the time to have acted upon the refusal of it. As matters stood, when the board appealed to me we were in the ridiculous position of leaving out of account nearly twelve years of a known record and scaring ourselves about the unknown.

In the general uneasiness I did not join, knowing something about Pero’s love of

anonymity, and, by deduction, arriving at a probable explanation of it. He told me on one occasion that he would like very much to be a taciturn person with the forbidding face of a bulldog, that he would like to growl at people and frighten them. Instead his manners were pleasing and he liked to talk. All sorts of people found him approachable. Therefore he took refuge in the most amusing hoaxes to disentangle himself from a brief but pleasant accidental acquaintance. Women were the most persistent in building up lines of communication with him, and I recall one young woman in particular to whom I introduced him when she and her mother sat at a table adjoining ours in a restaurant. We made it a party of four and had a most enjoyable evening together. I could see that Anthony and the young woman liked each other but he unblushingly told her he played baseball with the Newark team and had just been sold to Atlanta, where he was to report the following week!

He had the rare ability to spice his humor with what is termed a straight face and could assume a look of innocent astonishment when laughter greeted one of his sallies. I recall his exhibiting a new raincoat with the statement that it was "impervious but didn't leak." On another occasion he said something was "imperceptible but you can't see it." The statue of a horse with flippers instead of hoofs and a sort of fin instead of a tail he described as ambidextrous, and then solemnly thanked an elderly woman standing near him in the museum when she corrected him with the information that the horse was amphibious—though how it would travel on land with such feet I do not understand.

I doubt if even the police excelled him in knowledge of the foreign quarters of New York. He had a smattering, it seemed, of all languages. But even in these bizarre places his passion for anonymity persisted. In an Italian restaurant he was a Spaniard; in Spanish restaurants he was Italian; in a Turkish restaurant he was French. One

evening we dined together in a Chinese restaurant patronized almost entirely by Chinese—which was the only place where he was an American—and I was dumfounded when he and the waiter engaged in a conversation in Chinese lasting more than a minute. I expressed my amazement at his knowledge of the language and he confessed that he didn't know a word of it, but was merely imitating the sounds he heard. The whole show had been arranged in advance, and the Chinese waiter, who was a student at Columbia, had replied to Anthony's jargon by reciting a Chinese poem. But of the other languages he spoke at least enough to order meals.

Knowing this much about him I placed no importance whatever upon his amusing collection of aliases in the neighborhood where he lived. But Mr. Wellman has a bulldog's tenacity and I knew he would not rest until he had satisfied his mind about Anthony and then forced him to sign the proposed contract. I was afraid of the investigation far more than of anything it might disclose, and therefore readily assented to undertake the larger part of it myself. In spite of Anthony's pleasant manner there was that about him which might well frighten a man. Without mincing words, I may as well say that a persistent invasion of his privacy raised the possibility of nothing less than homicide. The very least that could come of it would be the loss of his services. And in spite of the fact that I foresaw these possibilities I confess with humiliation that I was unable to restrain Mr. Wellman; what I feared eventually came to pass. Nor unfortunately was there much delay.

I began this unusual mission by obtaining Mr. Wellman's promise that he would not discuss either the contract or the insurance policy with Anthony until I had reported; secretly, I resolved to take my own time and to spin this out if necessary by indicating favorable and reassuring progress at intervals, whether I had learned anything or not. This, I felt, would

not be disloyal to my associates in view of my conviction that nothing was amiss with our chief executive. The problem he presented appeared to be essentially psychological and most assuredly was not one for a detective.

Now one man cannot dine with another twice a week over a period of seven years without learning a great deal about him, even though petty affairs are never mentioned, so it quite naturally occurred to me that my place of beginning was not an interview with Anthony, but my own store of well remembered after-dinner discussions. First examine these, I resolved, then follow out whatever clues they seem to suggest. In order to facilitate that process I set about the task of reducing them to writing.

Very seldom had he disclosed anything about his parents or himself in a direct statement, but he had sometimes found it necessary to explain why he or his father or mother knew a certain type of person or community. These explanations were associated in my mind with the abstract questions under discussion at the time, so that sorting them out of a host of recollections was like working at a cross word puzzle. Therefore I jotted each down on a small slip of paper as it came to mind and later assorted these into a semblance of order, under the classifications that follow:

III

Of his father—

Anthony said that his father "inherited all of the accumulated gypsy blood of half a dozen or more generations of a family distinguished for its contributions to the ministry and bar." His father, was the last child of eight and had been much petted. He ran away from home at the age of eighteen and went to some place like Coney Island, where he operated an amusement concession with success and was delighted with the business. During the remainder of his life he was engaged in the amusement business in one form or

another. At one time, however, he was a sort of magnate of the pop corn wagon; at another a "hot dog" king. He frequently followed State fairs half way across the country with some sort of show or a novelty for sale. When the motion picture came along he alternately succeeded and failed as an exhibitor. His greatest financial success was achieved as proprietor of a large roller-skating rink but he promptly lost the money on an unprofitable Ferris wheel. Anthony said his father was one of that large group that cannot retain their poise when they have money. He remembered his father as always in the best of humor after he had lost his last dollar and was starting over. With prosperity he was certain to be on the way to bankruptcy. His father paid very little attention to Anthony; when noticed at all, it was as though he had just been discovered—as if his father were making a sudden effort to be hospitable to a foreign visitor.

Of his mother—

His mother, Anthony said, inherited the stupidity which three generations of a brilliant family had managed to suppress. The family traditions were literary and artistic. He found his mother witless and attempting to uphold by austerity a tradition she could not carry forward. Her one claim to distinction was a remarkably accurate knowledge of French and English, but he said she would pick the right word with such meticulous care that often she seemed to stammer. Her conversation was marred rather than brightened by her exact knowledge of words.

Of his home life—

His mother's pretenses amused his father, while the latter's preference for male companions of sporting proclivities disgusted his mother. Without quarreling, each managed to show very clearly to Anthony an estimate of the other. The result, I judged, was that he followed the usual course of children in such situations

and regarded neither of them highly. He thought they continued to live together because it had not occurred to them to do otherwise. Their relations with other persons were always polite, sometimes cordial, never warm. They had no affiliations of any kind that he could remember, either based upon geography, ancestry, church, or lodge—nor could he remember that they entertained even a prejudice. Their one basis of judgment with regard to cities was afforded by the hotels where they registered.

Of his childhood—

Anthony spoke more frequently and directly of his childhood than of anything else of a personal sort. It seems that whenever his father was without funds he would go to some city and accumulate capital, but as soon as he had done so would return to smaller places, usually to fail. Anthony had spent most of his childhood in small towns, "in the South"—that was all on geography. Neither do I know where his parents came from, except that their families had been in this country for many generations. They must have come from North of the Mason and Dixon line, however. This opinion is based upon an amusing story he told of his first realization that he had any personal interest in the Civil War. Attending school in a small Southern village, he was set upon by three larger boys and pummeled for being a "damn Yankee." Having not the slightest idea whether he was or not, he made inquiry at home and learned that both his grandfathers had served as officers in the Union Army, but nothing was told him about their branch of the service or rank, nor even their exact names.

We were discussing holidays and their histories, with special reference to the pagan feasts. Anthony said that none of the present-day feasts meant anything to him and went on to explain that his parents had so lost touch with their families that no parcels or greetings were exchanged at Christmas. Santa Claus had

never existed for him because he had learned to read at the age of three and a half. Much of his boyhood had been spent in a part of the South where the Fourth of July was not observed at the time. He did not know of the existence of Decoration Day before coming to New York, nor had Lincoln's Birthday been observed. He discovered Lincoln's Gettysburg Address for himself at the age of eighteen. The observance of New Year's Day he considered absurd, on the ground that it was not the beginning of a new year except on the calendar. In this connection he commended Benvenuto Cellini's custom of a personal feast day to celebrate his recovery from an operation, since that was truly the beginning of a new year if not indeed of a new life for him. If there must be a celebration of the new year, he thought the fiscal year of the firm with which one was connected supplied the proper date.

His mother, he said, taught him to speak such correct English that children with whom he attempted to play laughed at him. Also, she sometimes conversed with him for several weeks at a time only in French. He found it difficult to remember English words during those periods. Within ten days after she ceased these lessons he forgot nearly all the French he had learned. A very clever boxing and wrestling instructor had so equipped him with these sciences at a very early age that none of the boys cared to try results with him. He had also learned to shoot at the age of seven, so he found no pleasure thereafter in toy guns. Instead of being a hero among children, however, he was severely handicapped because he could not run fast. Nearly all of the games they played could be won by the fastest runner and he was so slow the others did not want him. He had no brothers or sisters.

His parents seemed neither to have a social position nor to lack one. Most of the time they were comfortable financially but never thought of the future. They showed no inclination to send him to

college and he felt timid about making a demand. As a result he went to work, determined to earn the necessary money, and eventually defeated his own purpose by marrying. After going to work he seldom saw his parents and they drifted out of his life.

At school, he said, he was baffled by the frequent references to New England in his Readers and later in the so-called classics. He refused to learn a poem about an apple tree because he had never seen one. He refused to read something about sleigh bells because he had never heard one nor owned a sled nor seen more than a flurry of snow. He decided that if only foreign scenery, customs, and climate made literature possible he would choose the countries he liked best, and settled upon Greece, Rome and the Italy of the Fifteenth Century as the most interesting. When he discussed Roman history one would expect Julius Caesar to walk in, smoking a cigar, and chat about the latest campaign. Poor Pero was, in many ways, a Roman citizen.

We were discussing the influence upon very young children of remarks made in their presence by their parents. He said that his father, being in the amusement business, had frequent clashes with Sunday laws. Anthony had thought during most of his life that overheard conversations about these recurring squabbles made no impression upon him, but later he was not so sure, for he found himself reading eagerly the books of Robert G. Ingersoll, Thomas Paine and Voltaire, and feeling the keenest delight—as though they were weapons to be used against an enemy. He said he had never attended any church nor had the slightest desire to do so, although the Christian philosophy impressed him deeply. He said that with a few deletions he thought Ingersoll would make a fairly acceptable minister nowadays and that the great agnostic would eventually find himself numbered among the ultra-conservative. The only religious ceremony he had ever witnessed was a funeral and this

so pained and horrified him he would not have believed it possible without the testimony of his own eyes and ears. He said cannibals couldn't do much worse.

IV

Of literature—

On the subject of literature he said there was vast entertainment in books, but the summit of human accomplishment had been reached in Samuel Butler's posthumous novel, "The Way of All Flesh." He held this writer in such reverence that if ever he desired to go away and lose himself completely he would accept without further investigation Butler's statement that the happiest life humanity has attained is to be found in Northern Italy. I made a special note of this and it accounts for what was regarded as my miraculous discovery of the man when he left us, never to return. Shakespeare he regarded as a maker of "high resounding phrases" and "the purveyor of a Grade A Punch and Judy entertainment." He liked it, he said, but if driven to a choice between Shakespeare and three or four good nonsense anthologies, would prefer the latter. Nonsense, he insisted, was of the very essence of mental health and contained more of the race's accumulated wisdom than any other writing. He ranked the rhyme about the gingham dog and the calico cat that ate each other up, far above "Hamlet," and said "Little Orphant Annie" embodied the whole history of mankind's victory over ghostly imaginings—ending with the use of such myths for entertainment.

Of government—

On the subject of politics—and this strangely enough led to a very important clue—he said a study of the forms of government, civil laws, the ways of carrying on trade, and the furnishings, architecture, and regulation of a household supplied all there was of importance in the history of a people. Wars should

be mentioned only incidentally, to explain expansion or contraction of territorial limits. He was not a pacifist but ruled out histories of warfare as having no value except to professional soldiers who would require exact details of the strategy employed. He was a tireless student of forms of government and I recall that he was the first to obtain the Yale bulletin on Russian Bolshevism. He commended that institution in extravagant terms for its enterprise in offering this information, so that Bolshevism could be intelligently opposed. He regarded the Constitution of the United States and the Declaration of Independence as the foremost documents of the world on government, drawing a line after the amendment abolishing slavery and insisting that all added since then were either useless, destructive, or sheer nonsense.

He said that it had been his custom when a very young man to discuss forms of government freely, and that he had thus won the reputation of being everything from an anarchist to a member of the minority political party of the community. He said one should never discuss abstract or general matters before stupid people because every statement would be taken as personal. General inquiry, he said, was invariably attributed to dissatisfaction with present conditions, so that to discuss banking could mean only an overdue note. This statement, when I had written it, at once recalled the conversation which resulted when I asked him why he came to New York. His reply was that he did not come to New York but ran away from the place where he was, not caring whither he went; that he bought a ticket to New York because it was the longest one hanging in the station agent's rack. If he had known at the time that two or more of the strips of paper hanging there could be pasted together he would probably have gone to Seattle or Bangor, Maine. The reader will wonder why I did not at the time pursue such an evident lead to interesting details, but if ever I had

succumbed to curiosity about such matters we would probably have dined together no more. As a matter of fact, I felt no curiosity. This characteristic has given me the reputation of one who cares nothing about his acquaintance's affairs but quite the opposite is true—only I have my own opinion as to what are the important affairs of a man's life.

V

Of his marriage—

A discussion about the nature of women which took place in the fourth year of our comradeship led to the information that my friend had been married. He began by saying that he had often felt tempted to write an essay or monograph or something of the sort to argue that the nature of women is precisely that of men on all points. The only essential difference he found was that they are forced more often than men to seek their ends by indirection, though he insisted men and women have the same ends in view and use the identical indirect means to obtain them when direct means are not employed. In this connection he quoted Schopenhauer's statement that women are not peaceful but noisy like cats, and declared that many men seek to wear down opposition to their desires by continuing to make a noise—that is, talk—regardless of whether their words contain reason. Indeed, he thought this method succeeded more often than not. He called attention to the flood of fiction appearing at the time, picturing husbands who try to suppress their wives to the level of only menial duties, and said that many women have the same instinct to narrow the vision of their husbands so that they shall find only one outlet for their energies and ambition; namely, carrying wood, water, and food into the house.

He said that at the time he was married his ambition was to become a lawyer; he felt himself peculiarly fitted for that profession. While studying he worked at

various jobs, among others repairing automobiles and writing advertisements. Eventually he managed to purchase a grocery store and soon had it returning a comfortable profit. His wife was determined against any change in their mode of living and began to gather about herself a circle of friends as though she were settled for life. He said he would often look at these people in their little drawing-room feeling exactly the same wonder he had experienced on his first visit to a large zoo. In an endeavor to conceal his emotions he would fall into the error of talking volubly, with the result that each guest carried away a different impression of him and upon these the strangest sorts of myths were constructed. Some thought him bloodthirsty, others melancholy, while a few considered him too frivolous minded to be a safe husband.

He called the propaganda advocating education of girls for wifehood absurd, "since most of them seem to gather the essentials by instinct"; but he thought it urgently necessary for boys to have instruction "because they wandered into the marriage relation incredibly ignorant of it." He said there was scarcely a single fact about the institution of matrimony that he knew at the time of his own marriage. We were not speaking of sex, nor had his remarks any reference thereto. We were discussing social conventions, and the customs surrounding correct conduct between husband and wife, especially in the presence of others. He said that he succeeded in giving nearly everyone the impression that he had launched upon a studied course of insult to his wife, although he adored her. Realizing his utter failure as a husband, he offered to bring the relation to a close, but she clung to it desperately in spite of the fact that she seemed to bear the brunt of the suffering. After two years of this existence—and no improvement—he decided that mercy demanded action, and so he left. She suffered a break in nerves and health which threatened her life for six months, but

recovered very rapidly thereafter and was soon married again. He considered her quite happy, still loved her, but admitted that the details rather than the fundamentals of marriage had quite vanquished him.

"I am inclined to credit the belief that love conquers all obstacles," he said, "because in my case it did not—and I seem to furnish the exception to all rules."

As an example of the sort of conventions which were new to him Anthony mentioned that it was his wife's custom to serve no meat on Fridays. He had not the slightest objection to fish nor did he have any clear convictions on the general subject, but for some inexpressible reason he could not eat fish on Friday. Eventually it dawned upon him that fish represented an external influence of some kind reaching his dining-room and he could not tolerate it, no matter how harmless in itself. "I hate bigots," he said, "probably because I am one."

It was the custom among nearly all of the people he knew to ask quite bluntly about one another's income or other private affairs. He resolved several times to answer as directly as he heard others do, but the words would not come out. Knowing that he dared not refuse, he adopted the equally disastrous course of telling whatever untruth came to mind. With these facts before me I needed to make no further inquiry about his hasty and evidently hysterical departure from whatever place had been their home.

A discussion of children, many months later, disclosed that he had none. He said he had not thought of children in connection with marriage; that when the subject came to his mind for the first time he was appalled by the thought that a child might happen along without his willing it one way or the other. He likened his impression of that period to walking on a mountain road below an overhanging cliff from which playful sprites were tossing bags of gold; if one happened to strike immediately in front of the way-

farer it would be very pleasant, but if it struck him on the head it would be far from pleasant. He said thoughts of possible children made him feel like a caged animal under the care of a half-witted keeper. He had no defense of such a point of view to offer, he said, nor was he quarreling with the universe. "The trouble with me"—I made a special note of these words—"is that I am a man without a background. No matter where I find myself I am a stranger and an alien, stumbling blindly over obstructions which the whole of mankind has gathered ever so laboriously and placed with infinite pains to be used as stepping stones to order, quiet, and contentment. I am a self-made pariah and I don't know exactly how it happened."

To indicate specifically the completeness of his ignorance on the subject of children he said that at the age of about six years he had seen a picture of a baby resting upon some peculiar conventional design which he judged to be a blackboard eraser. This led him to believe a new-born child was about six to ten inches long, and later, when he read that babies usually weigh seven pounds at birth, it did not occur to him that a ten-inch baby would be underweight. At any rate, the first one he saw nearly struck him dumb, and he felt sure that if it had been his own he would have fainted.

Again without defending the statement, he said it would be necessary for him to decide definitely that the human race had justified its existence before he could gladly assume the rôle of parent—and he did not think anyone competent to answer such a puzzling question under the age of sixty years. Making sport of his own absurdity he remarked: "You see, I'm 'sicklied o'er' with the pale cast of thought." I objected that no man of his versatility was "sicklied o'er" with anything. What I said was: "But you do so many things well." To which he replied "Always with my left hind leg."

We were discussing youthful ambitions

and whether or not they have any value, such as indicating what the grown man will be best fitted to do. Anthony thought their value could not be determined by a sweeping generalization, citing conflicting facts. As for himself, he said he could not recall a time when he was not certain he wished to be a lawyer and confident that he would rank with the greatest of all time. When this ambition could not be realized he had no second choice but was able to apply himself with delight to any task at hand. I can testify to the efficiency with which he applied himself to chemistry, but the firm's catalogue of products, nearly all of which he first conceived—even though he did not perfect them—, would be more competent testimony than aught I uttered. Indeed, I feel sure that in time he would have been able to perfect them also. His mind was such that it refused to admit even the most complicated or burdensome task as other than something composed of a few simple fundamentals which he would grasp with incredible facility. Thereafter he enjoyed accumulating data and details. Why such a man couldn't have taken a bar examination at the end of one year of study is more than I can understand; my guess is that the law being his supreme ambition he approached it in that spirit of awe which made it the one intellectual hurdle he couldn't easily leap. If that is a correct surmise, the tragedy of it is unutterable.

With regard to youthful ambitions he added an incidental remark which I preserved for special notation. He said the efforts of all his mature years, by which he meant from the age of twenty-five to that moment (he was then about thirty-five) had been devoted to a baffling struggle with human relations and an unsuccessful endeavor to overcome certain instinctive rebellions against actions which one was supposed to perform "because everyone did." He pointed to the fraternal insignia I wore and said that at one time he had determined to join, having convinced himself that the purposes of the organ-

ization were sound. But when he broached the subject he discovered to his astonishment that the members said nothing of the purposes but recommended membership on the ground that "everyone in the town who amounts to anything belongs." He was so repelled that he never joined any organization nor gave the subject a thought thereafter.

Discussing friendship and pleasant acquaintance or casual association, he told me that there was a row of tenement houses back of the apartment in which he lived and that if he happened to be at home during those hours when the occupants of the neighboring buildings were gathered on their porches and fire escapes he turned his phonograph to the window and played opera records for them. They indicated their appreciation by smiles and sign language. He said the porches and fire escapes swarmed with women and that they appeared to be making lace. They had sent him three records, with titles printed, he thought, in the Russian letters, but he was not sure. The music, he said, was beautiful and sounded to him like a description of sunlight on a shore of white sand washed by snowy surf. "But," he added, "to them it may be a love song or a funeral dirge. As long as we cannot speak to each other we are friends. We communicate by deeds only; I play music for them and they give me three records. It is most unfortunate that people attempt to communicate with words, for the impression that any two of us attach the same meaning to them results in deplorable mischief. My relation with those women across the areaway is the only beautiful chapter in my record of intercourse with the human race. You and I may some day cease to be friends; indeed we have trod dangerous ground in disclosing so much to each other: but the warmth between me and those women will continue as long as any of us shall live."

Anthony was fond of women in spite of his matrimonial experience, and blamed no one but himself for that failure. Any fault

he found with women was always attributed to "a dirty trick nature played them." Women won their husbands with the front of their heads and lost them with the back of their heads, he thought. It was his opinion that a pretty girl was increasingly attractive to young men in proportion to her stupidity, but that the mature man—even though stupid himself—was repelled by female stupidity. Just as often, however, he generalized along an entirely different line and said that the greatest tragedy of all was for a brilliant woman to have a stupid husband and on these occasions he thought the latter combination occurred more frequently than the former.

I could find nothing in this topic pointing definitely toward a clue except that he had never recovered from what he considered his tragic failure in the rôle of husband. He said there could be no doubt that his wife approached marriage with a just estimate of its conditions and rewards while he was totally mistaken and blindly determined to bend its conditions to his will. They were strangers in all matters, he thought, except an unreasoning love.

The only wise thing he had ever done which was not an accident, he said, took a negative form: he had never borrowed money. I challenged the wisdom of this course and he finally admitted that both his freedom from debt and his scrupulous saving were mere by-products of dodging human relations. Again I took issue, protesting that he had at last solved human relations, as his standing with the board and our employes so plainly showed. He laughed heartily. He was still dodging, he protested, but the words naturally had no clear meaning to me at the time.

While always apparently frank, even his most spontaneous exclamations preserved a sort of mystery. They could be taken either way, or it sometimes seemed to me, both ways. To be specific: we were discussing the newspaper reports of a sensational suicide; I gave my view on the subject and quite seriously asked his. He

had been suppressing laughter with difficulty and now his eyes fairly twinkled as he declared: "It is like splashing a bucket of blood on a ball from a Roman candle. Why not wait a minute?" At the time his attitude impressed me as light-hearted, but on analysis it seems less so.

VI

With this much written out and studied, I resolved to approach the subject of a contract. There was a chance, I thought, that direct procedure would draw an equally direct statement from him and thus aid me in charting my future course. Anthony and I had agreed to hear "*Rigoletto*" that evening and he suggested that we dine together in a little restaurant on the East Side which he said was operated and frequented by gunmen. I raised the objection that we would necessarily be in evening clothes, but he said many of the gunmen would be similarly attired and so indeed we found them. Anthony had evidently been to this place before and we were most cordially received by the manager and the head waiter. I remarked about this and Anthony explained that in this place he was supposed to be a gentleman burglar, a sort of Raffles. The man's ability to sustain these hoaxes over long periods of time was most astonishing. While we ate I informed him of the action of the board, making it appear, as indeed it was, a great compliment to him to have such a contract offered. He replied without a moment's hesitation that he would sign no contract of any sort whatever: that he did not even have a lease on his apartment though he had occupied it for years. He told me what I unfortunately already knew—that he had it under the name of John C. Smith. He did this, he said, because the renting agents thought they had to have information about tenants and his invariable course under such circumstances was to respond with fiction.

"I will remain with the firm all my life," he assured me, "unless you bind me

with a contract. If you do that I know I will leave at once, even though it tears out such slender roots as I have taken in New York and sends me to a still stranger place. With the close of marriage I signed my last contract. Let us be friends from day to day. Vows are burdens that destroy freedom and finally turn upon the thing they were to secure." I promised, without his requesting it, that I would present a point of view calculated to convince Mr. Wellman and try to end the discussion of contract and insurance at once. I explained to him the connection between insurance and contract. It was characteristic of Anthony that he did not thank me. He felt appreciation, I am sure, but very much disliked the conventional expressions of it. Between ourselves we never gave words to such feelings.

It was my purpose to take this matter up with Mr. Wellman some three or four days later, after carefully revolving all the possibilities and preparing for every contingency that might arise in dealing with him. His simple, irascible nature was an open book, but that was the more reason for not allowing the possibility of a mistake in strategy. Events, however, moved too rapidly for me. Mr. Wellman had already become impatient for a report and he spent the following morning trying to get in touch with me by telephone. Not succeeding, he broke his promise, in a fit of impatience, and attempted to take Anthony by storm—something a wild band of Arabs couldn't have done. He slapped the contract on Anthony's desk and demanded a decision, either that it be signed or that he resign. This procedure entirely overlooked the fact that we were trying to determine whether the man was under a cloud. But it seems a new obsession had seized upon our president. Knowing how very valuable Pero was, the suspicion had occurred to him that Pero might be intending to go into business for himself, something he could easily have done. It would doubtless have brought our company to disaster. Anthony took it

for granted that I had already discussed the matter with Mr. Wellman and regarded this outburst as proof of my utter failure. He requested time to consider the matter, promising Mr. Wellman his answer on the morrow. Thus ended the interview.

I did not learn of this until Mr. Wellman telephoned to my office the following day at eleven o'clock to say that Anthony had not yet appeared at his desk nor was there any word of explanation from him. Mr. Wellman must have guessed some connection between this disappearance and his interview of the preceding day for he had the good sense to mention what had taken place, adding that if Anthony would only return the matter would never be mentioned again. He was terror stricken. I knew instinctively what was about to happen. Grabbing my morning newspaper as soon as I had hung up the receiver, I searched the lists of ships sailing for foreign ports. There was one due to sail at noon for Genoa. Without a moment's delay I hurried to the pier and, to my great relief, found that the ship would get away about an hour and a half late. There was no use searching the passenger list, for he would be certain to use an assumed name, but I did so in the hope that I might be able to pick from it the sort of alias that would, at the moment please his fancy. I found nothing however worth investigating. Next I searched the ship from stem to stern and returned to the gangplank confident that he was not on it. Taking up a position beside the gangplank, I waited, hopeful that he would appear and that I could yet avert this disaster. Even then, however, I doubted whether Mr. Wellman's latest promise would be better observed than the one so recently broken. This was the most troublesome phase of the problem, for Anthony knew Wellman's nature as well

as I and would be likely to govern his course accordingly.

Eventually the gangplank was hauled in and no Anthony had appeared. I was beginning to feel relieved. There was yet hope. But as the busy snorting little tugs, looking like poodles yapping at a mastiff, nosed the giant ship out into the river I caught sight of a familiar face. Anthony's head was sticking out of a porthole not far above the waterline. I could catch a glimpse of his clothing; he was attired in some sort of blue cotton working jacket. His bushy hair was tousled and there was a smear of grease on each cheek as though he had deliberately put it there—and I think he had. With his black eyes twinkling, he looked the villain triumphant. I calculated what the position of the ship had been at its pier; he must have stood within thirty feet of me for perhaps half an hour, while I watched the gangplank with such anxiety! The moment I saw him I shouted: "Anthony!" He grinned with boyish glee and shouted back with an excellent imitation of Italian dialect: "No speeka Eenlish."

VII

A year later I received a postal card in his handwriting, but unsigned, saying, "Sam was right." Evidently he referred to Samuel Butler's comment on Northern Italians and I took the message to mean he was happy, for which I thank God. But I miss him sorely and the business has long since been sold. Life has given me many blessings and a few sore defeats but none which goes aching on through the years like the memory of my failure to save Anthony, not for the business but for myself. I should have sought him first among the crew, but with so little time at his disposal it seemed improbable. However, I knew of his versatility!

A FORGOTTEN AMERICAN STATESMAN

BY MILLEDGE L. BONHAM, JR.

Edward Livingston was . . . the first legal genius of modern times.—*Sir Henry Maine*.

THE average educated American, asked to name the five leading jurists produced by the United States, would probably begin briskly with John Marshall—and then stumble around vaguely and uncertainly, taking four at random from a list including Story, Wheaton, Taney, Webster, Kent, Chase, White, Choate, Knox and Root. He would be unlikely to think of Edward Livingston; very probably he would have never heard of him. Yet the general European opinion of Livingston is reflected in the dictum of Maine quoted above. He is put alongside the giants. But so little is he appreciated in his own country that even distinguished historians such as John Bach McMaster and Henry Adams have done him gross injustice, as will appear.

The Livingston family of America is descended from Sir Alexander Livingstone, who in 1437 was made one of the guardians of the infant King James II of Scotland. Alexander's descendant, Robert Livingstone, came to the colony of New York about 1675, dropping the *e* from his name on the way. He married a widow, Alida Van Rensselaer (*née* Schuyler). Their grandson, Judge Robert R. Livingston, married Margaret Beekman. Of the eleven children of the latter marriage three daughters married, respectively, Generals Montgomery, Lewis and Armstrong of the Revolutionary armies; the eldest son was the well-known Chancellor Robert Livingston, and the fourth son and youngest was the subject of this sketch.

Edward Livingston was born at Cler-

mont, Columbia County, New York, on May 26, 1764. His early education was received at home, at Albany and at Esopus (now Kingston). He entered the junior class of the College of New Jersey (now Princeton) in 1779, shortly after the redoubtable John Witherspoon had reopened it. Upon his graduation, in 1781, he began the study of law at Albany under the future chancellor, John Lansing. Here he was thrown into intimate contact with such brilliant legal minds as Alexander Hamilton, Aaron Burr and James Kent. After the British evacuated New York, in 1783, Livingston went there to complete his legal studies, being admitted to the bar in 1785. While he had not been a very diligent student of the classics at Princeton, his newly aroused interest in the Roman law now caused him to brush up his Latin, as well as to learn Spanish and French. In New York there was another stimulus to the study of Latin. Livingston became enamored of Mary McEvers and had recourse to the Latin poets for feathers for Cupid's darts. They were married in 1788. Mary's sister, Eliza, later married Edward's brother, John.

All these dates show that Livingston's most impressionable years coincided with a momentous period in American history. Born the year before the Stamp Act, he was sent away to school the year of Concord and Lexington. Next year his brother-in-law, Richard Montgomery, was killed at Quebec. Two other brothers-in-law were in the army; his brother John was manufacturing powder for the troops, and his brother Robert was serving in both State convention and Continental Con-

gress. Through his relatives Edward made the acquaintance of Washington, Lafayette and other notables at an early age. He entered Princeton the year Wayne stormed Stony Point. The campus was the scene of one of Washington's victories. His graduation was the year of Cornwallis' surrender. He moved to New York the year of the treaty of peace, was admitted to the bar the year of the Alexandria convention and was married the year after the Federal Constitution was drafted. Next year he saw his brother Robert administer the oath to President Washington.

Though financially independent, Livingston took his law practice seriously and was soon known as a rising young attorney. He entered Congress in 1795, and served three terms. Among his most intimate colleagues were James Madison, Albert Gallatin and Andrew Jackson, from which it is evident that he affiliated with the Jeffersonian or anti-Federalist group. Of course he opposed the Alien and Sedition Laws, both as a matter of party policy and because he considered them unconstitutional. His speech against the Alien Act was so highly esteemed that some of his friends had it printed on white satin and widely distributed. It was translated into Spanish in 1873 by Señor de la Sierra and published as a pamphlet germane to a question then before the Mexican government. Livingston broke a lance in debate, in 1799, with so redoubtable an opponent as John Marshall. He did not seek re-election in 1800, but devoted his efforts to help carry New York for the "Republican" ticket. Burr was his intimate personal and political friend, but when the election was thrown into the House, Livingston resisted all efforts to induce him to vote for Burr for President, so New York went to Jefferson, 6 to 4. Had Livingston, early in the balloting, tied the New York delegation, or carried it for Burr, the final result might easily have been Burr's election.

Affliction and good fortune were mingled

in Livingston's cup in 1801. In March Mrs. Livingston died, leaving two sons and a daughter. A few days later President Jefferson appointed Livingston district attorney for New York and the State Council of Appointment chose him mayor of New York in the following August; the holding of two such offices was quite compatible with the practice and sentiment of the times. As mayor, one of Livingston's duties was to preside over the police court. Finding its procedure complicated and obscure, he reformed and simplified it. He published, in 1803, a volume of the decisions and opinions he had delivered in this court—one of the first American books of its class. Also he urged upon the Council various plans for industrial and reform schools, but he was too far ahead of his time: they were not adopted. New York was visited by yellow fever in 1803. The mayor devoted himself to sanitary measures and to efforts to assist the poor. Just as the plague was subsiding he succumbed himself and had to struggle for his life. When his physician prescribed wine as a tonic, it was discovered that his splendid cellar had been emptied in gifts to the poor.

Born to wealth, speedily attaining a lucrative practice and then chosen for remunerative public offices, Livingston was nevertheless very careless about money matters—a most unusual trait in one of mixed Scotch and Knickerbocker descent! Seldom needing money himself, he was neglectful about both collecting and paying debts. This fault almost proved his undoing. As district attorney he was the custodian of the fees and fines collected by the Federal courts, sometimes amounting to considerable sums. The details he left to clerks, and when he recovered from yellow fever he discovered that his office was heavily in arrears to the Treasury. Instead of attempting to shift the responsibility to his subordinates, he at once confessed judgment in the sum of \$100,000, though it was evident this was far in excess of the actual shortage, which

eventually proved to be about \$44,000. He also resigned both his offices, and turned over to a trustee all his property to be sold and applied to the debt. Governor Clinton and the Council urged him to retain the mayoralty, but he was obdurate.

Naturally, the Federalists put the worst construction upon this shortage and used it as a text for attacking the administration, which not only angered Jefferson, but made him permanently suspicious of Livingston. The Federalist accounts of the affair are apparently the basis for McMaster's statement that "by gross neglect of duty [Livingston] became a defaulter" and Adams' assertion that Jefferson removed him from office for defalcation. Neither statement is warranted by the facts.

II

This misfortune determined Livingston to remove to the newly-acquired territory of Louisiana, and begin life anew. Arrived at New Orleans in February, 1804, he at once applied himself to earning money to pay his debts. For a while ill-luck dogged his steps. When that bird of ill-omen, General James Wilkinson, decided in 1806 to betray Burr in order to conceal his own traitorous dealings with the Spaniards, he managed to cast suspicion upon Livingston—to divert attention from himself, of course. One of Burr's more or less innocent tools was Dr. Erick Bollman, of New Orleans. When Wilkinson arrested Bollman as an accomplice of Burr, Alexander, Bollman's attorney, retained Livingston to assist him in habeas corpus proceedings. This so enraged Wilkinson that he told the court that Livingston himself had paid Bollman over \$2000 on Burr's order. Livingston explained to the court, as he had previously explained to Wilkinson, that when he left New York, he owed several large mercantile firms, which secured judgments against him. One of these had been assigned to Burr, who had several times sought payment. Shortly after Bollman, as Burr's agent, presented

the draft Livingston had received a fee which enabled him to take it up. The judge was quite satisfied with Livingston's explanation, but as Wilkinson then was commander-in-chief of the United States Army, his word carried more weight with both Governor W. C. C. Claiborne of the Territory of Orleans and President Jefferson. The incident increased the latter's prejudice against Livingston.

This prejudice soon caused Jefferson to do Livingston a great injustice. In 1808 the Federal district attorney and Governor Claiborne claimed as government property the alluvion, or *batture*, deposited by the Mississippi River upon some land owned by Livingston. Jefferson took the most adverse view of Livingston's claims and did all he could do to deprive him of the property, which had been recently received as a fee and with which he hoped to discharge his debt to the government.¹ The matter went from Congress to the courts and cabinet and back again for years, and was not settled until after Livingston's death, when his widow received a large indemnity. To get his case before the country, when Jefferson went out of office, Livingston sued him as a private citizen for trespass. Naturally, the court dismissed the suit, but Jefferson published the material he had organized for the use of his attorneys, and this gave Livingston the opportunity to make a public reply. His argument is both more scholarly and more convincing than Jefferson's. In it he shows that Jefferson had altered the sense of some of the Spanish documents involved by the omission of words in translating them. In 1836, Livingston, with Daniel Webster, appeared before the Supreme Court of the United States as attorney for New Orleans in a very similar case. Livingston made the principal argument, which was substantially that of his own case. His contention was upheld. He and Jefferson, it is pleasant to record, be-

¹ When he finally discharged the debt, in 1826, interest had increased the sum from \$43,666.21 to \$100,014.19.

came reconciled shortly before the latter's death.

Livingston's knowledge of both Roman and common law, with his ability to speak French and Spanish, gave him an immense advantage over both the Creole and the Anglo-American lawyers at the New Orleans bar, most of whom could speak but one tongue. Soon he was recognized as one of the leaders. In a contest between the two groups as to whether the treaty of purchase guaranteed the continuance of the civil law or the substitution of the common law, Livingston espoused the side of the civil law and argued so well for it that the Federal court decided in favor of it. Shortly thereafter he proposed a simplification of the existing complicated code of practice. Naturally, the task of revision was assigned to him, and it was so well performed that his code, adopted in 1805, and modified by him in 1825, is still the basis of the civil practice of Louisiana. The territorial Legislature in 1805 appointed James Brown and Moreau Lislet of the New Orleans bar to codify the civil law of the territory, which was a hodge-podge of Roman, Spanish and French law, French and Spanish colonial decrees, American territorial statutes, and some elements of the common law. The code thus drafted was adopted in 1808, but soon proved unsatisfactory. Accordingly, in 1822, the legislature appointed Livingston, Lislet, and one Derbigny to revise it. This time the work was so well done that the code adopted in 1825 is the code of Louisiana today, with only such changes as the abolition of slavery, the changed status of women, etc., have necessitated.¹

Livingston helped organize the first Episcopal church and the first Masonic lodge in Louisiana. He also served as a

trustee of the newly founded College of New Orleans (the ancestor of Tulane University). A young Creole widow, Madame Louise Moreau de Lassy (*née* Davezac de Castera) became his bride in 1805. One child was born to this union. When war with England came in 1812, the Creoles of Louisiana were quite indifferent. Livingston succeeded in arousing them to defend the State against invasion. When General Jackson arrived, Livingston became his military secretary, and, so the general averred, rendered indispensable services during the New Orleans campaign.

From 1820 to 1822 Livingston served in the lower house of the State Legislature, from which he went to the national House of Representatives. He was reëlected in 1824 and 1826, but in 1828 he stayed in the East to aid in Jackson's campaign and was defeated by Edward D. White, the father of the late Chief Justice of the United States. Louisiana, however, felt that she could not spare Livingston, and so the Legislature elected him to the United States Senate. President Jackson wished him to take either a Cabinet portfolio or the mission to France, but Livingston felt that he owed it to his constituents to serve in the Senate a while. His most notable speech in that body was during the Hayne-Webster debate. Livingston took ground midway between the two great protagonists. He agreed with Hayne that a State might secede, but with Webster that it could not nullify. James Madison said Livingston had apprehended Madison's position in 1798, concerning the Alien and Sedition Laws and nullification, better than had Hayne.

Jackson reorganized his cabinet in 1831, making Livingston Secretary of State, an office whose duties he discharged with ability and distinction, upholding with firmness and dignity, but without bluster or rancor, the interests of the United States against the claims of England and France. Only two incidents of this period demand attention. Livingston wrote, in 1832, Jackson's nullification proclamation

¹ The writer's researches lead him to think that Livingston did most of the work of this commission. Mr. Henry P. Dart, of the New Orleans bar, and editor of the *Louisiana Historical Quarterly*, is disposed to give more credit to Lislet and Derbigny. Dean R. L. Tullis, of the law school of Louisiana State University, is inclined to agree with Mr. Dart.

—of course, on the basis of the President's expressed views. Dr. Edward MacDonald calls this "unquestionably the ablest and most impressive state paper of the Jackson era." Henry Clay had for a time held up the confirmation of Livingston's appointment as Secretary of State, a fact of which Livingston was quite cognizant. During the campaign of 1832, Clay being the Whig candidate, a Democratic partisan wrote to ask Livingston if the archives of the State Department did not show that Clay, while plenipotentiary to negotiate the treaty of Ghent, had accepted a gift of £1200 in silver plate from George III. Livingston's reply should be emblazoned on the cover of the campaign handbook of every party, at every election:

There is nothing, Sir, to show this in my department, nor have I ever heard the suggestion or believe there is the slightest foundation for it.

Under this conviction, I cannot make or direct any inquiries which would show an injurious suspicion that I do not entertain. I am politically opposed to Mr. Clay, but I am persuaded he would never have done anything that could justify the imputation; and if such a report is current, I should be sorry that even my silence should keep it alive. I am persuaded, Sir, that you agree with me in thinking that any political advantage, however great, would be bought too dear, if obtained by countenancing such calumnies on our opponents.

W. C. Rives, the minister to France, succeeded in negotiating in 1831 a treaty by which France agreed to pay twenty-five million francs for French depredations upon American shipping during the Napoleonic wars, but the French government made no effort to carry this unpopular bargain into effect. Jackson persuaded Livingston, next year, that it was his duty to go to France and press these claims. Livingston's rising reputation got him a warm welcome from official and learned circles in Paris, but neither court nor Parliament could be pinned down to definite action. Tactfully, but firmly and persistently, Livingston continued to press the matter till December, 1833, when Jackson's blunt message to Congress, urging reprisals, offended Gallic pride. The Comte de Rigny informed Livingston that

the king felt it due to French dignity to withdraw the French minister from Washington; any passports he himself might desire were at his disposal. Livingston replied that if this announcement were intended as a hint for him to withdraw, his going or remaining would be determined only by the orders of his own government; if it were meant as an order for him to quit French territory, he would obey it, "leaving the responsibility where it ought to belong." De Rigny did not send the passports. But inasmuch as the *impasse* continued, Livingston felt his usefulness was ended, so he returned to the United States in June, 1835, where President and populace accorded him the warmest evidences of confidence and respect.

After a trip to Washington to give an account of his official acts, Livingston retired to his estate at Barrytown-on-Hudson. He emerged from this retirement in January, 1836, to appear before the Supreme Court in the *batture* case. This was his swan song. He died, on May 23, 1836, of "bilious colic"—probably appendicitis—lacking only three days of being seventy-two years old. Mrs. Livingston survived him until 1860. His daughter Cora, who had married Thomas P. Barton, his secretary of legation, was the only child to outlive him.

III

We have seen that jurisprudence in Louisiana was in a rather chaotic state when Livingston removed thither, and that he did much to reduce it to order. Also we have noted that as mayor of New York, he sought to work the reformation of law breakers rather than their mere punishment. He was no legal pedant, but a large-hearted and scholarly jurist, with a strong humanitarian zeal for the improvement of the law. In his day the criminal law of Louisiana, as of the rest of the world, was more notable for severity than for justice. Since the colonial ordinances and codes had not been specifically repealed, witchcraft, heresy, Judaism, and

the marriage of widows under a year after their husbands' deaths were technically crimes. Torture, the whipping post, the pillory, even the stake were penalties the court might legally inflict. Appalled by this archaic nonsense and confusion, Livingston had himself elected to the Legislature, where he introduced a bill ordering a thorough overhauling of the criminal law, criminal procedure, evidence, and related matters. Inevitably the task was allotted to him. The next few years were spent in examining the codes of all the States of the Union and of all civilized foreign countries, and the works of great commentators, criminologists, and jurists, and in corresponding with the leading thinkers, European and American, upon such matters. The code was completed in 1825 and ordered printed in French and English by the Legislature. Unfortunately, Livingston being then in Congress, no one in the Legislature cared enough to press the business to completion.

A careful examination of the code supports the dictum of a distinguished sociologist, that had Louisiana adopted it in 1825, she would have been at least a century in advance of the rest of the world. A speaker at the National Conference of Charities and Corrections, in 1897, said he had been connected with prison administration for twenty years, had studied the leading works on criminology and had attended similar gatherings for over a decade and listened to the leading reformers and criminologists of the world, but that he had yet to see a single notable advance in penal reform that had not been previously conceived by Livingston. The only important modern improvements in penal reform, not provided for in the Livingston code, are the juvenile court, the indeterminate sentence and the parole, all of which are entirely consonant with the spirit of the document.

Not only is this great work a monument of juristic learning and systematic arrangement; it is also a most enlightened essay in

criminology. Although the style of most of Livingston's speeches and essays is rather heavy and ornate, that of the code is remarkable for its clarity and simplicity. Taking a leaf out of Luther's book, he had some layman of average intelligence and education read each passage and indicate everything not clear to him. This would be re-written until it was perfectly comprehensible. To obviate the chance of misunderstanding where the legal connotation of a term differed from the colloquial meaning, Livingston included a "book of definitions" at the end of the code.

The volume, which was printed in Philadelphia in 1833, embraces the various acts of the Legislature providing for the drafting of the code, the preliminary report, an introductory report on the Louisiana system of penal law, and introductory essays to the four codes of Crimes and Punishments, Procedure, Evidence, and Reform and Prison Discipline. Then follow the codes themselves, divided into titles, books, chapters, and sections in a most systematic manner; and the "book of definitions." In the various introductions we find not only a thorough and sound discussion of the philosophical principles underlying criminal jurisprudence, but also historical sketches of the most important existing systems.

Livingston argued that the aim of the law should never be revenge, but prevention and reform. To this end he would have prisoners subjected to solitude and coarse food at first, but after a few days they were to be given the option of work. If this were accepted, they would be given employment that was useful and instructive, and would tend to make them self-supporting when released. The quality of the food should be improved, as a worker needs more nourishment than an idler. As intercourse with fellow prisoners might corrupt the first offender, his labor should be in solitude at first, but in order that he might have the ameliorating influences of society, his family and friends should be allowed to visit him. Teachers

and chaplains were to be provided, and when the prisoner gave evidence of regeneration, he should be allowed to labor in company with other tractable prisoners.

Solitude and labor Livingston considered the two great remedies for crime. "Is the confinement," he asks, "to be rigid, unbroken solitude, or only seclusion from the corruption of evil counsel and example? Is it to be permanent for the whole term of the sentence, or to be mitigated by proofs of industry and amendment? Is the labor to be forced or voluntary? And is its principal object pecuniary profit to the State or the means of honest support to the convict? . . . So much punishment as is necessary to deter others from committing and the offender from repeating the crime; every alleviation not inconsistent with these objects that will cause the culprit gradually to prefer a life of honest industry, not from fear of punishment, but from conviction of its utility"—these he declares to be the ends of penal law. "That system of prison discipline will make the nearest approach to perfection that shall best attain these objects."

The avowed object of the Code of Procedure is to prevent offenses, to insure justice and to obviate technical delays. The Code of Evidence endeavors to secure the truth with the utmost expedition and the least inconvenience to witnesses and uncertainty to the court. Rules admirably calculated to promote these ends are proposed. The Code of Reform and Prison Discipline provides for a house of detention where, when necessary, witnesses may be kept without incurring the stigma of having been in jail. Part of the house was to be for those accused of misdemeanors; part for those sentenced to imprisonment of not more than sixty days for such offenses as contempt of court, who would thus be detained without being subjected to the company of criminals. For convicts under eighteen years of age a "school of reform" was to be provided wherein they should receive instruction in some trade, in morals and in

the rudiments of a literary education. Those who showed aptitude should be taught geography, surveying and navigation. Prizes of books and badges should be offered, and a library provided. Each boy must learn a trade suited to his mental and physical capacity; each girl must learn the domestic arts. It is worthy of note that the treadmill was absolutely forbidden in the reform school.

Every care was to be taken in the selection of wardens, matrons, and inspectors to secure able, humane and upright persons. Flogging was prohibited in the penitentiary and carefully restricted in the reform school, only the matron being permitted to chastise the girls. Careful provision was made for the construction of all prison buildings, which would have been far ahead of the practice of that day (or of some later days, for that matter). Records were to be kept of the careers of the prisoners and every effort was to be made to get employment for those released, in order to complete their regeneration. In line with this was the provision that a portion of the prisoner's earnings should be given him at release, with a certificate of good conduct, industry and skill in the trade learned in prison. To forestall a relapse into crime, the houses of refuge and industry were to make special provision for the reception of graduates of the penitentiary who could not obtain work at once. When a position opened to one, he would be discharged with an additional certificate of good conduct.

The houses of refuge were a feature of the code intended to prevent crime by putting poor relief and penal law under the administration of the same authority. All beggars and vagrants were to be taken into custody. Those actually unable to work would receive simple support. Those willing to work but unable to secure employment would receive temporary occupation and subsistence. Those capable but unwilling to work would be compelled to do so. Thus Livingston hoped to

obviate a great deal of pauperism and so prevent many crimes due to idleness and poverty. Another notable feature of the code was the abolition of the death penalty. In its place, for such a felony as murder, Livingston would substitute life imprisonment, in a cell painted black without and within, bearing in conspicuous white letters the convict's name and crime, as a warning to "deter others from the indulgence of hatred, avarice, sensuality and the passions which lead to crime."

To reduce crime and expedite justice, Livingston insisted that there should be nothing obscure or ambiguous about the law. He proposed "enactments expressly abolishing all constructive offenses, and all distinctions between strict and liberal constructions of penal statutes; forbidding every departure from the plain letter of the written law and requiring the courts, on the trial of a criminal charge prosecuted under an ambiguous act, to acquit the accused and immediately report the case to the Legislature." Further, as an unenforced law tends to bring all other law into contempt, he would have obsolete laws promptly repealed. These are only a few of the high lights of the picture, yet they suffice to show that the code was nobly conceived. Livingston freely admitted that it was not a panacea, that it would not abolish crime, that it must be tested by practice and corrected in the light of experience. "Let us try the experiment," he pleaded, "before we pronounce that even the degraded convict cannot be reclaimed."

IV

No State adopted the code in its entirety, but forty years later its influence could be detected in every part of the United States and in many places abroad. Chancellor Kent said that Livingston had "done more in giving precision, specification and moderation to the system of crimes and punishment than any other legislator of his age." Jeremy Bentham wanted Parlia-

ment to print a large edition of the code for general distribution throughout Britain. Such jurists as Story, Marshall and Chase commended it in the highest terms, while Livingston's former enemy, Jefferson, wrote to him that the code would "arrange [his] name with the sages of antiquity." Brazil made it the basis of her criminal jurisprudence. Guatemala adopted the code of Reform and Prison Discipline entirely—but apparently never put it into practice. The Institut de France elected Livingston to honorary membership. He also received the degree of LL.D. from Harvard, autograph letters from the rulers of Russia and Sweden, and a medal from the king of the Netherlands. Amongst the distinguished French savants and jurists who commended the code were Hugo, De Tocqueville, Villemain, and Taillandier. While he was minister to France, Livingston made short trips into Belgium, Germany and Switzerland. Everywhere the learned societies and universities received him with honor. Louis Kossuth, during his American tour, said that Livingston was one of the three or four Americans best known and most respected in Europe. The National Prison Association thought his code worthy of republication so late as 1873, with an introduction by Chief Justice Chase. The distinguished jurist and criminologist, Eugene Smith, said in the *Columbia Law Review* for June, 1902, that the code "embodies the most comprehensive and enlightened system of criminal law that has ever been presented to the world."

While he was in the Senate, Livingston proposed a similar code of criminal law for the United States. This was to be simply his Louisiana code, adapted to Federal conditions. But he was called to another field before he could work for its passage. Important as were his services in the House of Representatives, the Senate, the Cabinet and the diplomatic service, they could have been well spared had he obtained the adoption of his code by either Louisiana or the nation.

THE THEATRE

BY GEORGE JEAN NATHAN

A Critic

AMONG the critics of the drama in regular and active practice in the Anglo-Saxon yoshiwara today, it seems to me that there is one who stands out from all the others like a sprig of fresh green mint from a julep. That one is the Englishman, Walkley. Since the retirement of Shaw from the British circle some twenty-eight years ago, there has been no one to offer him serious challenge. Several vital and eloquent voices, true, have lifted themselves against the grisly routine: C. E. Montague and John Palmer among them; but the vitality and eloquence, admirable as they have been, have for one reason or another lacked staying power, and have died out, after a brief spell, from the scene. The voice of Walkley, on the other hand, has been consistently clear and resonant for something like three decades. And it has been a voice that has uniformly had in it, unless I am greatly mistaken, the most thorough theatrical and dramatic common-sense that has been heard in England or America in its time.

I do not forget Walkley's colleague, the estimable and engaging Archer. Archer is a cultivated and experienced critic; he has done some excellent and valuable pioneering; his judgments have often been sound and stimulating. But as between the two men, the choice presents little difficulty. Archer's attitude toward the theatre, due to the fundamental nature and disposition of the man himself, has ever been that of the professor. (What is "The Green Goddess," in sooth, but a professor cracking a class-room joke?) He has approached the theatre intelligently, but his intelligence has been largely set to a fixed pattern; it has lacked the warmth and flu-

idity so necessarily a part of the biology of dramatic criticism. He has looked into the theatre, in our colored friends' phrase, from the outside in—like a university don with his eye to the keyhole of a peep-show. He has followed the gipsy caravan in a dress suit. He has understood, and understood well, the drama, but he has not understood so well, because it was not in the soul of him to understand it, the theatre. Walkley, gifted with all the qualities that Archer has, has been gifted, to boot, with a cosmopolitanism of psyche and a metropolitanism of taste that have given him a roundness, a fulness, in the contemplation of drama and the theatre not possessed by his associate. Archer is a theory criticizing the theatre; Walkley is, in a figurative manner of speaking, a theatre criticizing a theory. His mind is a stage, brightly illuminated and suavely draped, whereon dance with sunny and lagerish smiles a hundred comedians casting hither and thither their sagacious and penetrating banderillas into the flanks of whatever species of critical bull happens to be prancing around the ring at the moment. There is ever the quality of the theatre and the feel of the theatre in Walkley's criticism, as there is and has been in the criticism of every man whose writings on the theatre have been worth any attention. In the criticism of Archer, one gets this feel of the playhouse all too seldom; one gets the impression, rather, of a confusion of the theatre and the library.

It isn't that Walkley does not take the theatre seriously. It is simply that, like a man with the woman he truly and deeply loves, his very seriousness makes him light-hearted, happy and gay. Beauty

makes idiots sad as it makes wise men merry. Men laugh with the things and persons that are closest to their hearts. But because the rank and file of critics believe that there is something wrong with the kind of critic who, understanding thoroughly a thing that they themselves do not so thoroughly understand, takes that thing with a pleasantly careless whistle and the jaunty, sauntering swing of a cane, Walkley has often been looked on with disfavor, and favor been bestowed instead upon the kind of critic who would wear a long face at a ladies' day in a coon Turkish Bath. This is always the fate of a critic who knows his job so superlatively well that he can turn it inside out. The ideal critic of the multitude is not such a critic, but rather one who knows only half of his job and who conceals his lack of knowledge of the other half by taking seriously what he does not know, and writing of it even more seriously.

Walkley is not profound, in the common interpretation of the term, only in that he does not elect to be profound over matters that are intrinsically not profound. He senses the ridiculousness of sweating to build up complex theories that so little as twenty or thirty years later—thus fitful, since Aristotle lifted it out of its cradle, has the drama been—will be quite as empty and useless as an old tooth-powder can. He appreciates that the theatre and drama are as shifting as the sands of the sea and that, in that very shifting, lies the true secret of their golden, sunlit beauty. The basic laws, everyone knows; there is no need to write of them. But the by-laws change constantly; one may write of them interestingly, but, as of things that are ever in process of change, at best with an air of dubiety and evanescence, and perhaps the flicker of a snicker. "The Frogs" is a good play; "Hamlet" is a good play; "Seven Keys to Baldpate" is a good play. That's that. Try to fit them to the same, definite, positive, unvarying dramatic theory and go crazy in the attempt. Theories are for the class-room; drama is

for the theatre. Walkley is a critic of culture, experience and sensitiveness and, being such a critic, knows just two sound standards of judgment, to wit: 1. Whatever interests me is good; and 2. Whatever doesn't interest me is not good. The critical technic of critics of the Archer school, on the other hand, runs thus: 1. Whatever is good interests me; and 2. Whatever is not good does not interest me. The subtle difference between these criteria of appraisal is the signal difference between Walkley and his contemporaries, both as critics and as men. Walkley is a personality; his contemporaries are, most of them, just persons. Walkley is a positive agent; the others are positive-negative. Walkley is a cool syllogism; the others are indeterminate symposiums of prejudice, prejudgment and the dusty critical bibles of the past.

II

Walkley's "Dramatic Criticism," a slender little book made up of lectures delivered at the Royal Institution about twenty years ago, has more sober sense in it, to my way of thinking, than any treatise or volume on the same subject published in its time. (This statement includes Croce from stem to stern.) His various collections of dramatic criticisms, "Playhouse Impressions," "Drama and Life," "Frames of Mind" and certain portions of his more recent books such as "Pastiche and Prejudice" contain, also to my way of thinking, the soundest criticism of its kind that has been published in English since Shaw, though, as I have said, Montague's and Palmer's work, on a considerably smaller scale, is not to be sniffed at. The criticism of Walkley is not only shrewdly discerning and fundamentally common-sensible, it is, in addition, eminently readable and eminently charming. It also has its own share of beauty. And this beauty that it has is the genuine beauty of a tonic point of view and of a great love of life and of an easy and gracious personality, not the spurious

beauty of literary pretension with which certain other critics, both in England and America, seek vaingloriously to deck out their critical nonsenses. There is more good sense and more delightful reading in a casual critical essay of Walkley's than in any half dozen of the professorial flower-pots. As a critic, he is the most convincing, persuasive and attractive actor off the Anglo-Saxon stage.

He is not without his faults, of course. He has rolled a log or two in his time; he has now and again, for all his cosmopolitanism—and he is by all odds the most cosmopolitan critic in the England of his day—disclosed himself to be exceedingly insular (like most Englishmen, there is little in America that seems to him to be any good); he has been curiously anesthetic to some of the most noteworthy advances in the art of scenic design and stage production (he has never been able to judge accurately or fairly the experiments of such men as Gordon Craig, for example); he has at times permitted politeness to stand in the way of sharp and forthright execution. And, in later years, he has periodically descended to the promiscuous and very awful present-day British habit of following up an excellent critical essay with one of those mild Lamb-like papers on the lark singing outside the bedroom window in the early morn or on the toothsome pasties one can find at the Sign of the Galloping Cuckoo. Thus, in "More Prejudice," we find much first-rate critical writing interspersed with the kind of essays on blackbirds, lipsticks and letter-writing, to say nothing of a day at the Zoo, that Englishmen have been writing ever since they laid poor Elia in his final resting place these ninety years ago. There is only one compensating circumstance in Walkley's case. He can make even such gimcrack subjects interesting.

III

A. B.—as they call him across the pond—is personally perhaps best to be described

as a British James Huneker. To the late Lord Jim add a measure of British reserve, picture a mind that resembles a placid hill-side stream rather than a leaping, sparkling waterfall which splashes everybody for miles around, and substitute a filet of sole Bernaise and Sauterne for a platter of sauerkraut and Pilsner—and you have Walkley. Otherwise, the two have much in common. The same multiplicity of interests, the same genial raillery, the same easy familiarity with everything from what Beethoven said to Rochlitz to what Steve Donaghue said to his barber, the same intense and warming humanness, the same broad acquaintance with everything from the best Paris restaurant wherein to get snails cooked in absinthe to the best place in Constantinople to get a shoe shine, the same winking and humorous eye, the same simplicity, the same it's-all-beautiful-but-what-the-hell's-it-all-about quality—these are Walkley's as they were Huneker's. Like the latter—God rest his companionable and deeply missed bones—Walkley is interested in everything and gives a tinker's dam for nothing. He has found that greatest of all secrets to human happiness: the philosophy of indifference. And like all indifferent men, he has a rare zest for and relish of life and the things of life. The smell of the footlights in London and the smell of the salt in Brightlingsea, the rhythm of Shakespeare and the rhythm of a pretty girl's legs, the latest star actor at the Adelphi and the newest monkey at the Zoo in Regent's Park, the Duchesse de Langeais and the impresario of schnapps at the Garrick Club, Marcel Proust's "A l'Ombre des Jeunes Filles en Fleurs" and the shade of a Chaumontel pear tree in a quiet English orchard—fact and fancy, fancy and fact, reality and illusion, illusion and reality, these are all equally close to him—and all one. And infinitely diverting. And of utterly no importance.

Like Huneker in the matter of certain other of the arts, however tired Walkley may periodically be of the theatre and drama, he never gives the faintest sign of

being tired of criticism of the theatre and drama. He may fall asleep at a play, but his criticism of the play will be thoroughly wide-awake and lively. He has the gift of making the uninteresting interesting, and—what is obviously a deal more important—of making the worth-while and interesting doubly worth-while and interesting. He writes with the mind of a full-flowered man and the heart and spirit of a kid. His method is to maintain an elaborate and amused pretense of playing tag with a subject and having great difficulty in catching up with it and shouting "You're *it*!", when all the time he could do it very simply and readily merely by reaching out his hand. It is his favorite diversion to run after a subject with slow-motion paces and to pass the subject, which seems simultaneously to be moving at top speed, before it goes half a block. He is privy to Huneker's trick of making the reader believe at the outset that a simple subject is a difficult one and then convincing the reader very shortly thereafter

that he is a master-hand at cracking the toughest nut. This, as in Huneker's case, is the playboy side of the fellow. He likes nothing so much as to tie a tin can to the tail of a theme that his brother critics are disposed to pet and fondle. He is, in short, like all plausible critics, first and foremost a showman. On the way into the main tent, there are some fetching sideshows.

If the requisites of a first-rate critic are a sound admiration for fine things, a hearty contempt for spurious things, and a rich gusto in conveying his discrimination, the one way or the other, to his readers, Walkley, Arthur Bingham, is such a one. He lacks the blacksmith directness and originality of a *Saturday Review* Shaw; he lacks the enormous cultural background of a Huneker; but one can't have everything. Shaw has left the field, and Huneker has left the earth. There remains, in control of the English-American scene, this wise and engaging, this superbly perceptive and very infinitely charming little gentleman of London.

A Few Notes

As season succeeds season, it becomes increasingly evident that in Miss Katharine Cornell the American stage has found its finest young talent. There is no one among our younger actresses who comes anywhere near her. Her equipment is remarkable for one of so comparatively limited an experience. In nineteen years of reviewing, both in America and in Europe, I have not seen a woman of her years with greater resource, greater dramatic power, and more positive theatrical brilliance. Her performances in "A Bill of Divorcement," "Will Shakespeare," "The Way Things Happen" and "The Outsider"—her performance in the second act of the last-named play in particular—stamp her as the outstanding young figure in our theatre.

II

It is a matter for constant regret that our revue producers do not realize that in Ring

Lardner, more greatly than in any other native writer, there lies the sort of penetratingly humorous faculty that the French revue producers sagaciously take advantage of in the case of the Parisian who is known as Rip. The two men, of course, are in manner as far apart as the poles; but in the way of light satiric viewpoint, each viewpoint smelling beautifully of their respective soils, they are brothers. It has been many years now that Americans in Paris have reveled in the airy and comical digs of Rip. It is he who has given the French revue stage whatever measure of wit it has possessed. Lardner is the man to do the job for the same Americans when they are at home. In all his long and interesting revue career Rip has never written a skit nearly so good as the one about the fat-headed baseball player which Lardner contributed to the "Follies" two years ago. And in all his long and happily hu-

morous career the same Rip has never con-fected a piece of pure nonsense one-tenth so gorgeous as that which Lardner manu-factured for the lamented Forty-niners' show under the title of "The Tridget of Greva."

III

The difference between a great dramatist of sex like Porto-Riche and most other such dramatists is that the emotions of the former are born in the mind where the emotions of the latter are born some thirty degrees directly south. Drama of truth and force and beauty is the result in the first instance; drama of cheap sentiment or gaudy smut is the result in the second.

IV

To remind us of what we have nearly forgotten—that is the purpose of fine drama.

V

In criticism of the drama and the theatre, the critic should always be mindful of the fact that drama is an art of the ages and the theatre the art of an age. The drama is to be criticized from the viewpoint of the centuries; the theatre is to be criticized from the viewpoint of the present moment.

VI

It is frequently said that the American actor cannot play the rôle of a gentleman. There may often be a measure of truth in the charge. But it seems to me that the trouble is just as often on the other foot. The American playwright doesn't seem to be too frequently gifted in writing the rôles of gentlemen.

VII

"Molière was a Scandinavian sculptor whose masterpiece, 'Tristan and Isolde,' was hung in the Louvre in 1894," said the jackass.

"I doubt it," replied a bystander.

"Chronic dissenter!" sneered the jackass.

VIII

I go to the movies only on very rare occasions and then usually to the species in which a comedian sits down on a pie—since that is about the only phase of the art of the cinema that seems to me to have much authenticity, yet during the last four or five months two other aspects of the screen which have come to my notice strike me as being worth a line or two of comment. The first of these is Miss Lillian Gish's acting in a couple of hours of film rubbish fashioned from Marion Crawford's "The White Sister." What we get here is pantomimic acting of the very highest grade, remarkably effective and beautiful in the matter of the smallest detail. In one passage of the screen nonsense—the scene of farewell between the lovers: the long, silent ride in the hack to the ship that is to take the man away and then the slow return of the hack from the ship moving out to sea—the Gish girl gives what is far and away the most perfectly considered and finest performance that I have seen in the pictures. The second thing that has interested me is the direction of a picture made from Lothar Schmidt's comedy, "Only a Dream," and given the title "The Marriage Circle." Who the director was, I do not know; I arrived at the theatre about ten minutes after the exhibit had got under way and didn't see the statistical preliminaries. But whoever the fellow was, he came closer to staging an intelligent movie than any director whose work has thus far crossed my eye. The picture is almost entirely devoid of the usual screen imbecilities. It has been maneuvered simply, observantly and directly. There is a minimum of the customary moron tactics, and a minimum of the customary hogwash. About half of the thing is dull, but almost every inch of the film shows a directing mind miles above the average.

THE LIBRARY

By H. L. MENCKEN

Mankind in the Mass

FUNDAMENTALS OF SOCIAL PSYCHOLOGY,
by Emory S. Bogardus. New York and London:
The Century Company.

PSYCHOLOGY: WHAT IT HAS TO TEACH YOU
ABOUT YOURSELF AND THE WORLD YOU
LIVE IN, by Everitt Dean Martin. New York:
The People's Institute Publishing Company.

THE BASIS OF SOCIAL THEORY, by Albert G.
A. Balz. New York: *A. A. Knopf.*

BETWEEN Prof. Bogardus' book and that of Mr. Martin there is an abysmal and highly instructive difference. The former is a stately and formidable volume, part of a series of treatises on the social sciences edited by Prof. Edward Alsworth Ross, of the University of Wisconsin, and it is obviously designed for use as a college text-book; the latter is a series of thirteen pamphlets, modestly bound in paper, reporting lectures delivered at night to audiences of workers at Cooper Union, New York. Which shows the greater information and sounder reasoning? Which assumes the greater intelligence in the persons addressed? I give you one guess; only one, indeed, is needed. Prof. Bogardus, who professes sociology at the University of Southern California, is almost the perfect pedagogue. His book is platitudinous, pedantic, piffling, and dull almost beyond belief. The obvious is flogged until it bleeds from the ears. Facts genuine and dubious are sorted out into little heaps, and then thrust into meaningless pigeon-holes. There is a dreadful creaking of all the time-honored machinery of the birchman: the review question, the set problem, the assignment for secondary reading, the laborious use of the questionnaire. And the net result is simply a vacuum. It is months since I have encountered a book more pretentious in appearance, or so thoroughly vapid in content.

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Now turn to Mr. Martin's pamphlets. At once it becomes manifest that he has mastered the materials of his subject, that he has subjected them to careful scrutiny and shrewd analysis, and that his conclusions are those of a well-educated and highly intelligent man. Most of all, it becomes manifest that he is in the habit of addressing audiences with some power of grasping facts and penetrating to their interrelations—that he is used to hearers who can think. The tedious blather of good Bogardus is wholly absent: facts and ideas are stated clearly, and one statement is enough. There are no humorless summaries of the replies received to nonsensical questionnaires. There is no assault upon the reader with meaningless review questions and puerile problems. There is, in brief, none of the solemn hocus-pocus of the orthodox *Privat Dozent*. Instead, there is a beautifully lucid exposition—the most lucid, in truth, that I have ever read—of the essential facts of psychology, as they have been brought out by the investigators of all schools, and a singularly clear and logical application of them, at the end, to the phenomena which arise out of the dwelling together of men and women in this world.

Mr. Martin is no mere eclectic. He has his own ideas, and even his prejudices. But when he is for anything he presents his case without doctrinaire shouting, and when he is against anything he shows similar good manners. One of the best of his thirteen lectures is the last, in which he demolishes the theory so vastly spread by Trotter and his followers, that there is such a thing as crowd psychology, differing radically from the psychology of the individual. This nonsense, though it has been especially rampant since patriotic

professors essayed to dredge materials for propaganda out of the psychological reservoir during the late war, is really anything but new. One finds it in full flower in the ancient democratic delusion that the common people have a store of extraordinary wisdom and virtue—that though one may demonstrate that every individual among them is an ignoramus, the whole of them are yet highly sagacious. In destroying that delusion Mr. Martin inevitably does some damage to the democratic idea himself. He does not flinch from the business, despite the fact that his original audiences must have been composed very largely of proletarians, and hence of natural democrats. It would be hard to imagine a professor venturing upon a like violation of the primary faith of his clients.

Dr. Balz's volume is aimed at the specialist in sociology rather than at the general reader, and is thus somewhat heavy reading. His central thesis is not novel: that man's control of his physical environment is not now far more complete than his control of the social forces which constantly beset him—that the latter have been only defectively studied and are thus incompletely understood. But to the elucidation of that idea he brings a great deal of accurate observation and sound reasoning, and so his book has a value disproportionate to its modest size.

Apostle to the Philistines

THE COMMON SENSE OF MUSIC, by Sigmund Spaeth. New York: *Boni & Livright*.

MR. SPAETH, who describes himself (page 92) as an Anglo-Saxon, addresses himself to an old problem in this book. It is that of making music, and especially good music, comprehensible to the man who, in the common phrase, doesn't know one note from another—that is to say, to the normal, law-abiding, flag-loving American. The man who tackles it instantly finds himself on the horns of a dilemma: if he essays to explain musical ideas without setting them forth in musical notation

he is bound to become more or less unintelligible, and if he employs musical notation his customers can't understand him. Mr. Spaeth thrusts himself upon the latter horn. His book bristles with examples of all sorts, from cuckoo and bugle calls to specimens of polyphony, and many of them are adroitly chosen and show humor as well as learning. He is at great pains to avoid the slightest appearance of profundity. His literary style is that of Irvin Cobb rather than that of George Moore, and he is not above giving heretical advice to those who practice the art of song in lumber-yards and barber-shops. But it seems to me that he still fails to solve his central problem. Anyone who can pick out a tune on the piano—that is, from the notes—can understand his book, and no one who can pick out a tune on the piano really needs it: there are plenty of better guides, and they are quite as easy to follow. Nevertheless, he manages, in the midst of his somewhat laborious button-holing and back-slapping, to say some sound things, and perhaps they will do some good.

One of them is this: that the Philistine with an aspiration to lift himself out of his wallow often defeats his purpose by trying to go too fast. Brought up upon military marches, sentimental songs and jazz, he is informed by some one he respects, perhaps his wife, that there is better music in Beethoven, and so he puts on a black coat, goes to a music hall, and hears a pianist hammer the Moonlight sonata or an orchestra assault the Fifth symphony. It is, nine times out of ten, a depressing experience, and so the ambitious novice concludes either that Beethoven is a fraud or that he himself is hopelessly tone-deaf. Mr. Spaeth advises him, very sagely, to take it by easier stages. Beethoven is all gristle, but if he likes "The Rosary" he will probably also like some of the more familiar songs of Schubert, and if he can stand the "Valse Bleue" he will also stand, properly baited, some of the simpler waltzes of Chopin. Once he has made that

first step, the rest is simply a matter of patience. Now and then, perhaps, he will stumble. The transition, for example, from Beethoven's Second symphony to the first movement of the Eroica may give him a sleepless night or two. But if he has proper direction he will avoid such dangerous leaps. Mozart's Jupiter, coming after Beethoven's Second, would be more humane than the Eroica; moreover, it would give the candidate his first thrilling, if bitter taste of fugue. Mr. Spaeth offers some general advice in this department, but it is rather too vague. Why doesn't he draw up an educational series in gradually ascending stages, and then induce the phonograph companies to issue it in sections, for the civilizing of Babbitts? It might begin with "Home, Sweet Home" and end with Bach's B minor mass. It might even go beyond Bach to the moderns, and so be of use, not only to Babbitts, but also to musicians.

It is my belief that very few human beings are utterly incapable of acquiring a taste for good music—that those who lack it are, in the main, simply unfortunates who have never had a chance to hear much. On various occasions I have undertaken to launch unmusical friends whose consciences troubled them, and every time I have succeeded it has been by some such device as that recommended by Mr. Spaeth. The novice is always hugely delighted when he discovers that he actually likes some composition that is genuinely "classical"; once he gets that far, he almost always goes on. Does he like jazz, and delight in strongly marked rhythms? Then start him with the Brahms Hungarian dances. Is he fond of sentimental songs? Then what could be more beautifully sentimental than Schubert's "Standchen"? Does he run to the loud braying of military bands? Then try him with "The Ride of the Walkyre." A few experiments will suffice to fetch him, and after that it is easy. In a year or two he will be quite ready for the typical New York orchestra program—a Tchaikowsky symphony, a

Wagner *Vorspiel*, the Emperor concerto, and something by Papa Liszt. The danger is, indeed, that he will quickly grow snobbish, and begin to sneer at Johann Strauss. That is my private test for bad musicians.

The Reporter At Work

THE BEST NEWS STORIES OF 1923, edited by Joseph Anthony. Boston: Small, Maynard Company.

Just what Mr. Anthony's qualifications may be for deciding what is good, what is better and what is best in current journalism I don't know. "Who's Who in America" is silent about him, and his introduction to his collection reveals nothing save a familiarity with a few threadbare journalistic platitudes. But the collection itself, barring the hollow bombast of the title, seems to me to be extremely interesting, and even somewhat instructive. For what it offers is a very fair cross-section of American journalistic writing—not the best, perhaps, as genuinely competent judges of narrative English would choose the best, but certainly a reasonable approximation to what would be looked upon with pride in the average newspaper office. The job of the reporter, obviously, differs considerably from that of the writer on more lofty planes. He not only does his work against time, with no opportunity to devise the "spontaneous" ornaments of style that spring out of second thought; he must also bear in mind that he is writing for an audience that, in the main, is no more than barely literate, and so keep himself within the bounds of its narrow information and elemental taste. Worst of all, he must write stuff that will commend itself to his immediate superiors, the copy-readers—men chosen, more often than not, because they are efficient rubber-stamps rather than because they are competent judges of English style. The result of these various pressures is that the sagacious reporter, whatever his natural urge to originality, inevitably takes refuge in *clichés*. They save him trouble doubly—first the trouble of de-

vising something better, and secondly the trouble of having the copy-desk down on him. When he writes according to the mode he both pleases his immediate superiors and delights the customers of his newspaper.

The effects of these forces are plainly visible in many of the news stories reprinted by Mr. Anthony. For example, turn to one from the Philadelphia *Inquirer* by Hugh Harley: a report of a jail delivery from the Eastern Penitentiary. The thing happened at 10.25 P. M., and it is highly probable that midnight was striking before Mr. Harley had gathered the facts and was back in the *Inquirer* office, ready to write his story. He made a very competent job of it, setting forth all the essential circumstances clearly and even getting a certain dramatic power into it. But he could accomplish the business only by falling back upon the *clichés* that a young reporter learns almost as soon as he learns how to make out an expense account. In his first sentence one discovers that the escape was "sensational"; in his second that one of the three men who got away was caught "after a chase of several blocks"; in his third that the other two "are still at liberty." In paragraph two one encounters "dash for freedom"; in paragraph four a clubbed guard "summons his waning strength" and has "blood streaming" from his wounds; in paragraph seven the adjacent householders are "terrorized"; in subsequent paragraphs the pursuing cops "scour" the neighborhood, the prison guards are ordered to "shoot to kill," the fleeing prisoners "elude their vigilance," an extra-watchful guard is "met by a fusillade of bullets," another rushes from his cage "to learn the cause of the disturbance," and "it is the work of a moment" for the convicts to open the prison gate. Meanwhile, a police lieutenant "calls every available policeman to his aid," citizens join in the "man hunt," the news "spreads like wildfire," alarmed housewives leap into the street "carrying tiny infants in their arms," and

the "break for liberty" is pronounced "the most daring ever conceived."

I here attempt no sneer at Mr. Harley. His story was plainly written under circumstances that would have reduced a Walter Pater or a James Branch Cabell to a despairing thumb-sucking. Nevertheless, it is yet fair to point out that, as a specimen of narrative English, it is very flabby and obvious stuff—that its effects are all traditional set pieces, familiar from long use. It is a statement of fact in a stale and often half meaningless jargon; as literature it simply has no existence. The same thing is true of at least four-fifths of the news stories in Mr. Anthony's book—most of them, I believe, submitted by editors as among the best things printed by their papers during 1923. In only a small minority of these stories, even those written more leisurely, is there any genuine distinction of style, any actual feeling for words, any sense of the superb plasticity and resilience of the English language; in even fewer is there any noticeable originality of thought. The reporter thinks as he writes: in well-worn patterns. His view of the world, as he grows up in the trade, becomes increasingly Philistine; when the wide-eyed wonder of the first year or two oozes out of him its place is taken by a facile and unintelligent cynicism, with room for bathos in it. One finds him, in this book, growing maudlin over the death of Harding, who "passed with the sunset"; one sees him stirred by the same heroics that stir baseball umpires, sophomores and office boys. The world he inhabits is one in which Rotary Club orators are taken seriously, the Bolsheviks are "bloodthirsty wild beasts," and visiting intellectuals say that "in every Russian child's heart, no matter of what class, there is love for America!"

But perhaps I generalize too freely. A few extraordinary reporters seem to survive, somehow, the crippling strain of the city room, even the bellicose imbecility of the copy-readers. In the present book I encounter, here and there, some strangely

intelligent stuff. I point, for example, to a story by Louis Weizenkorn in the *New York World*: it might have been at home in the *Sun* of twenty-five years ago, before Munsey's dreadful presence laid the ghost of Dana. And to one by Harry T. Brundidge from the *St. Louis Star*. And to one by Paul Y. Anderson from the *St. Louis Post-Dispatch*. And to one by Julian Sargent from the *St. Paul Pioneer-Press*. There are others, too. But not many.

Brief Notices

THE SULTAN OF THE MOUNTAINS, by Rosita Forbes. New York: *Henry Holt & Company*.

THE author, an Englishwoman, traveled to the Moroccan retreat of Raisuli, the bandit, and dredged out of him the story of his life. A narrative of great interest, and full of barbaric color.

FORTY YEARS IN WASHINGTON, by David S. Barry. Boston: *Little, Brown & Company*

THE reminiscences of a veteran Washington correspondent, intermittently (and now) a jobholder. The usual mixture of

fly-blown anecdotes and obvious observations, with here and there a touch of novelty. Newspaper work in Washington seems to be fatal to the higher cerebral centres. After ten years of service a correspondent knows everything and says nothing.

A PRIMER OF MODERN ART, by Sheldon Cheney. New York. *Boni & Liveright*.

ANOTHER gallant attempt to explain what the revolutionists in painting (with side glances at sculpture and architecture) are driving at, this time with many excellent illustrations. It is the best I have encountered so far, but I still remain somewhat confused and dubious.

APOLLO, by S. Reinach. New York: *Charles Scribner's Sons*.

A NEW edition, revised, of Reinach's standard history of art. There are some errors in the text, and the discussion is very weak in its later sections, but so far as it goes it is probably the most useful available small book on the subject.

THE AMERICAN MERCURY AUTHORS

ACHMED ABDULLAH *is the author of many short stories and novels. Among his most recent novels is "Night Drums." He is also the author of "A Grammar of Little Known Bantu Dialects." He has adapted several French plays for the American stage.*

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NELSON ANTRIM CRAWFORD *is head of the department of printing at the Kansas State Agricultural College, and professor of industrial journalism there. He is the author of a recent book on "The Ethics of Journalism."*

CLARENCE S. DARROW *is the well-known Chicago lawyer and libertarian. He has been counsel in many celebrated cases, mainly involving the constitutional rights of the individual. He is the author of a novel and of several volumes of essays.*

ORRICK JOHNS *has published two volumes of verse and a novel, "Blindfold." Last year Margaret Anglin produced his comedy, "A Charming Conscience," on the road.*

He has spent several years in various advertising organizations.

FRANK R. KENT *has been a political writer for twenty-five years and is the author of a recent book, "The Great Game of Politics."*

VACHEL LINDSAY *is the author of "General Booth Enters Heaven," "The Congo," "The Golden Whales of California" and other well-known poems.*

G. A. MOORE *is a captain of cavalry in the United States Army and acting editor of the Cavalry Journal, a quarterly published by the United States Cavalry Association.*

HARRY B. SMITH *is the well-known librettist, author of the books of "Robin Hood," "The Fortune Teller," "The Wizard of the Nile" and many other operettas. He was a dramatic critic before he began writing for the stage.*

VIRGIL THOMSON *is a composer, organist and conductor, and is attached to the department of music at Harvard, his alma mater. He studied in New York and Paris.*

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OWEN P. WHITE *was born in El Paso and is the oldest native-born resident of the city today. He has been a newspaper man, a lawyer and a rancher. He has published a history of El Paso and two books of verse.*

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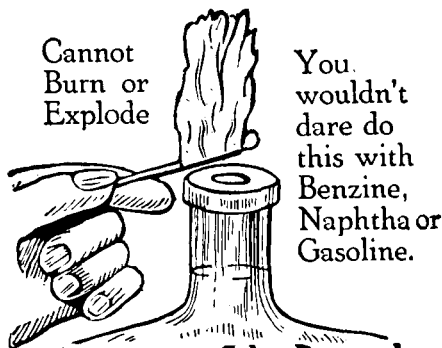
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